

DICTIONARY OF
AMERICAN HISTORY

VOLUME II

DICTIONARY OF AMERICAN HISTORY

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VOLUME II

SECOND EDITION
REVISED

NEW YORK
CHARLES SCRIBNER'S SONS

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Printed in the United States of America

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Concepcion, The Battle of — Gwynn's Island

Concepcion, The Battle of (Oct. 28, 1835), was a vanguard action between 92 Texans, advanced by Gen. Stephen F. Austin, preliminary to a tighter siege of San Antonio^m, and 400 Mexicans from the garrison who sought to isolate the detachment near Mission Concepcion. Clever scouting and morning fog made the Mexican movement a complete surprise, but Texan rifle fire smothered the attack. The engagement doomed Gen. Cos to military apathy within the city and increased Texan confidence for its assault and capture.

[H. H. Bancroft, *North Mexican States and Texas.*]

JIM DAN HILL

Concessions, generally speaking, are contracts or franchises under which foreign capital is invested in new enterprises—railways, oil fields, fruit farms, banks, air services, etc.—especially in such regions as Latin America and China. They frequently give the foreign company customs privileges, assurances against increased taxation, a right to expropriate land, and other inducements to make the investment of capital more attractive. On the other hand, they usually give the government some measure of control over the company's operations and sometimes a right to participate in its profits.

The term has acquired an unsavory connotation, because governmental ignorance or corruption, in some of the more backward countries, has often permitted foreign interests to obtain privileges excessively profitable to themselves or harmful to the country concerned. Sometimes such privileges were obtained by "concession hunters" who merely hoped to resell them. Moreover, foreign companies demanded very favorable terms to compensate for the risk of doing business in countries where political conditions were unstable. When disputes resulted the concessionaires were support-

ed by their own government, too often with little regard for the circumstances under which the concession was obtained.

President Wilson in his Mobile speech on Oct. 27, 1913, announced a new policy of the United States Government toward concessions in Latin America. Drawing a distinction between "investments," such as foreigners had made in the United States, and "concessions" where the enterprise involved remained under foreign control, he said that the latter were apt to lead to foreign domination of a country's internal affairs. He expressed sympathy with the Latin American governments' efforts to emancipate themselves from such domination, and said that the United States should help them in this undertaking.

Nevertheless, though the term "concession" is now less frequently used, it is still generally necessary for a foreign company to enter into a contract with the local government before embarking on a large new enterprise in Latin America. Improvident and corruptly obtained concessions are probably less common today than formerly, partly because the United States Department of State has exercised its influence to discourage such agreements. Several Latin American countries now insist that concessions contain a so-called "Calvo clause," by which the grantee renounces the right to appeal to his own government for diplomatic protection in case of disputes.

DANA G. MUNRO

"Concessions and Agreement," THE, were issued by Berkeley and Carteret, in 1664-65, to encourage immigration to New Jersey. The document contained fundamental provisions for a liberal government and promised freedom of conscience and land on reasonable terms with exemption from quit-rents^m for five years. Similar *octroi* constitutions were published by the

proprietors of Carolina and Pennsylvania. Most democratic of such instruments were the "Concessions" drawn by Penn for West Jersey⁹⁰, providing annual balloting for executives and assembly by all resident landowners.

[H. L. Osgood, *The American Colonies in the 17th Century*.]

C. A. TITUS

Conciliation, as a form of international procedure, may be defined as the submission of disputes to an impartial commission whose duty it is to examine all aspects of the dispute and to submit a solution which, without having the binding character of an arbitral award or the judgment of a court, should commend itself to the parties on a basis of equity and mutual concession. It had its origin in the commissions of inquiry created by the Hague Peace Conferences⁹¹ of 1899 and 1907 and in the permanent international commissions provided for in the Wilson-Bryan Treaties (*see* Bryan Treaty Model). In the Covenant of the League of Nations⁹² the procedure of "enquiry" by the council was prescribed as an alternative to arbitration. Subsequently the Assembly of the League recommended the conclusion of separate treaties of conciliation, which might seek to settle disputes before their reference to the Council, with the result that numerous bilateral and multilateral treaties of conciliation were concluded. Later the practice developed of combining provisions for conciliation, arbitration and judicial settlement in a single document. In 1929 the United States signed with the other American republics the Convention of Inter-American Conciliation, the obligations of which were reaffirmed in the Convention to Co-ordinate Existing Treaties signed at Buenos Aires in 1936 (*see* Peace Conference at Buenos Aires).

[C. C. Hyde, *The Place of Commissions of Inquiry and Conciliation Treaties in the Peaceful Settlement of International Disputes*, *British Year Book*, X, 96.]

C. G. FENWICK

Conciliation, Labor. The term conciliation as here used refers to the settlement of industrial disputes either by direct conference between the employers and employees involved or by joint boards representing them, without the assistance of outside agencies. When an outside agent intervenes informally to bring the disputants together for the purpose of settling their controversy amicably, the procedure is known technically as mediation⁹³. The terms conciliation and mediation are often used synonymously. Both procedures presuppose the absence of compulsion. In the United States most effective

mediation and conciliation work is done through the Conciliation Service of the Department of Labor, organized in 1914. Federal statutes, such as the Railway Labor Act of 1926⁹⁴, and numerous state statutes provide machinery for conciliation and mediation.

[J. R. Commons and J. B. Andrews, *Principles of Labor Legislation*.]

GORDON S. WATKINS

Conciliation Courts, Domestic. Conciliation is an informal process whereby a third party seeks to secure an agreement between the parties to a controversy in respect to its settlement. It is not to be confused with arbitration which is the process whereby the parties agree to refer the matter to a third party and abide by its decision. Just prior to the Civil War, provisions for the use of the conciliation process were established in the constitutions of six states (New York, 1846; Wisconsin, 1848; California, 1849; Michigan, 1850; Ohio, 1851; Indiana, 1857). No use of this power was made until recent years, however. The rise of a system of municipal courts with wide powers over their own organization and procedure was of great assistance. In 1913, the Chicago Municipal Court took the first step in making conciliation an important part of its procedure. Similar attempts were made in Minneapolis, New York City, Des Moines and numerous other cities. In 1921 North Dakota adopted the first state-wide conciliation act.

[W. F. Willoughby, *Principles of Judicial Administration*.]

FRANCIS R. AUMANN

Concord and Lexington, Battle of. *See* Lexington and Concord.

Concord Coach. Most famous type of American stage coach, so called because manufactured by Abbot, Downing & Co., of Concord, N. H., who began business about 1813 and before 1860 had the largest factory of its kind in America. The Concord, an unusually sturdy and handsome vehicle, was most famous in the West, and especially in California, which state began importing them around Cape Horn in 1850. Many Concord coaches were used in Mexico, South America, South Africa and Australia.

[William and George Hugh Banning, *Six Horses*.]

ALVIN F. HARLOW

Concord Group, THE. In 1834 Ralph Waldo Emerson moved to Concord. Henry David Thoreau lived there. Others were attracted by the quiet village and the residence of Emerson. Nathaniel Hawthorne came in 1842 to spend four years in the old Manse; A. Bronson Alcott, at

Emerson's invitation, settled there in 1840 and brought up his "little women", William Ellery Channing, drawn by Emerson, came in 1843 to remain for life. These men were less a group than a collection of lonely New England individualists separated by lack of warm affection and by an exaggerated idealization of lofty friendship. (*See also Brook Farm; Transcendentalism.*)

[Van Wyck Brooks, *The Flowering of New England.*]

ALLAN MACDONALD

Concurrent Resolutions. *See* Resolutions (legislative).

Condé, Fort, is the name applied after 1720, by order of the Company of the Indies^{fr}, to the *second* Fort Louis de la Mobile, erected in 1711 by the French under Bienville, on the site of the present Mobile, Ala., after their *first* Fort Louis, built in 1702, twenty-seven miles up Mobile River, was rendered untenable by inundation. The wooden fort of 1711 was rebuilt of brick in 1717, with bastions, half-moons, deep ditches, covered way and glacis, houses for officers and barracks for soldiers, and mounted with sixteen cannon. It remained an important French fort until transferred to the British in 1763, who renamed it Fort Charlotte^{fr}.

[Alcée Fortier, *Louisiana*, Cyclopedic; Thomas M. Owen, *History of Alabama and Dictionary of Alabama Biography*; Peter J. Hamilton, *Colonial Mobile.*]

WALTER PRICHARD

Conestoga Massacre. This incident, growing out of the passions aroused by Indian barbarities, occurred in Lancaster County, Pa., in December, 1763. A remnant of Conestoga Indians, numbering twenty and long regarded as friendly to the whites, was suspected of connivance with the savages who had been pillaging and scalping the settlers. Hence a band of about fifty rangers, known as the "Paxton Boys,"^{fr} swooped down on the Conestogas and murdered the whole tribe, men, women and children.

[B. J. Witherow, *The Insurrection of the Paxton Boys*; Benjamin Franklin, *A Narrative of the Late Massacres, in Lancaster County, of a Number of Indians, Friends of This Province, by Persons Unknown.*]

WAYLAND F. DUNAWAY

Conestoga Wagon, THE. This "vehicle of empire" had its origin among the Pennsylvania Dutch and has been described as "one of the most distinctively American devices of all our transportation history." Although it was in use by mid-18th century, it first became general on the overland routes across the Alleghenies just

after the American Revolution, when new roads were being laid out to meet the needs of a great immigrant movement into the interior.

In size and appearance the Conestoga wagon was a huge structure, heavily built, with broad wheels suited to dirt roads and a bed higher at either end of the wagon than in the middle, so as to prevent its contents spilling out in going up and down hill. Its canvas-covered top pre-saged the *Prairie Schooner*^{fr} of a later day. The under parts of these wagons were regularly painted blue and the upper parts red. They were drawn by four to six horses, with the drivers usually riding wheel-horses. Sometimes they moved in solitary grandeur but more frequently in long caravans. Urged onward to the accompaniment of rumbling wheels, creaking harnesses, the weeping and the singing of women and children, these empire builders heralded an advance that knew no retreat.

[Alice M. Earle, *Stagecoach and Tavern Days*; Seymour Dunbar, *History of Travel in America.*]

CHARLES H. AMBLER

Coney Island until about 1800 was a desolate sandbar along the southwestern shore of Long Island. In the early 19th century some New Yorkers began going there to fish and bathe; in 1825 the first small hotel was erected. The island grew slowly in popularity, but in 1875, when a railroad was completed from Brooklyn, a "boom" began; huge hotels were built; and Coney Island quickly became the most noted seaside resort in America.

[Eugene Armbruster, *History of Coney Island.*]

ALVIN F. HARLOW

Confederacy, Border State Representation in. The secession^{fr} movement of 1860-61 failed in all the border states^{fr} excepting Virginia, but in two states, Missouri and Kentucky, there was a sufficiently strong Confederate element to set up rival governments, dissolve their connection with the Union and gain admission to the Confederacy. The movement in Missouri was directed by Claiborne F. Jackson, who as governor had been unable to force secession (*see* Camp Jackson Affair). In October, 1861, he called an extra session of the legislature, attended only by Confederate sympathizers, which dissolved the Union and ratified the Confederate Constitution. Missouri was admitted into the Confederacy in November and assigned representation in the Confederate Congress. In Kentucky, though Gov. Beriah Magoffin was a secessionist, he clung to power after his failure to lead his state out of the Union (*see* Kentucky's Neutrality Doctrine). The Confederate sympathizers,

under army leadership, in November, 1861, declared Kentucky's independence and applied for admission to the Confederacy. She became the thirteenth and last of the Southern states to join.

[E. C. Smith, *The Borderland in the Civil War*; E. M. Coulter, *Civil War and Readjustment in Kentucky*.]

E. MERTON COULTER

Confederacy, Conscription in the. Upon the recommendation of President Davis, the Confederate Congress on April 16, 1862, imposed the obligation of military service for three years upon all white males between eighteen and thirty-five who were not legally exempt. The conscription age was raised to forty-five in September, 1862; again in February, 1864, the age limits were changed to seventeen and fifty; another act of the same date authorized the conscription of free Negroes and of slaves for certain auxiliary services, and, finally, on March 13, 1865, conscription of slaves for field service was authorized. There seems to be no evidence of their actual use as soldiers; the days of the Confederacy were practically ended.

[A. B. Moore, *Conscription and Conflict in the Confederacy*; R. P. Brooks, *Conscription in the Confederacy*.]

R. P. BROOKS

Confederacy, Peace Movements in the. That there existed among some of the people of the South a feeling in favor of peace and reconstruction, is shown by the peace societies that appeared sporadically throughout the Confederacy. Such an organization appeared in Arkansas late in 1861. By the fall of 1862, a similar body was discovered in Texas where it extended down as far as Austin with influential men among its members. A year later a peace society was found in western Alabama that not only influenced elections but had brought an army brigade to the point of mutiny. This group, known as the Peace and Constitutional Union Society, was strong in Alabama, Georgia, North Carolina and Tennessee. Another similar society that extended up into Virginia was the Heroes of America. The two associations had the same general aims, that is, to overthrow the Confederacy and restore the Union; and used the same methods, encouraging desertion, giving Union forces information and electing peace men to office. It is possible that the two societies were the same but this cannot be proved. They were strongest in the mountain districts. They claimed to be responsible for the loss of Vicksburg and the defeat at Missionary Ridge²⁰. It is probably due to their activities that there was so much agitation for peace in

western North Carolina. Here numerous peace meetings were held at which reconstruction of the old Union was urged (*see* Holden Peace Movement). In Florida, Georgia, Alabama and Mississippi there was likewise a strong peace movement.

[W. L. Fleming, *Civil War and Reconstruction in Alabama*; A. Sellew Roberts, *Peace Movement in North Carolina*, in *Mississippi Valley Historical Review*, XI, No. 2.]

A. SELLEW ROBERTS

Confederacy, Public Opinion in the South during the War. While a great majority of the people were loyal to the Confederacy the South was never a unit in its support. Few denied the right of secession²¹, but many doubted its expediency. There was a wide difference of opinion as to procedure and considerable opposition to secession arose in all the states except South Carolina. Unionists who furnished more than 50,000 troops to Northern armies were found in the mountain highlands, and a disloyal element among lower class whites not only refused to fight for the Confederacy but defied and worked against it. President Davis never had the entire confidence of the loyal element and his policies aroused a spirit of disaffection among them. The suspension of the writ of habeas corpus and conscription²² and exemption were especially unpopular. The lower class whites, without any direct interest in slavery, resented the exemptions extended the upper classes and condemned the "rich man's war and the poor man's fight." The inevitable result was wholesale desertion²³, totaling more than 100,000. State rights²⁴ was a potent force for division among the political leaders. Governors Brown of Georgia and Vance of North Carolina bitterly opposed the tendency toward consolidation in the Confederate government. So strong was this spirit that the *Richmond Dispatch* (1863) asked "Can it be that after all we are not in earnest?" The press, too, was divided: Edward A. Pollard of the *Richmond Examiner* and Robert Barnwell Rhett of the *Charleston Mercury* were especially caustic in their criticism of the administration. Another group had expected a short war and lost interest in the cause as the years dragged on. By 1865 many enthusiastic secessionists of 1860 had become despondent, and a powerful peace movement²⁵ led by Vice-President Stephens swept the Confederacy (*see* Hampton Roads Conference).

[Ella Lonn, *Desertion during the Civil War*; A. B. Moore, *Conscription and Conflict in the Confederacy*; F. L. Owsley, *State Rights in the Confederacy*; N. W. Stephenson, *The Day of the Confederacy*; Georgia Lee Tatum,

Disloyalty in the Confederacy; C. H. Wesley, *The Collapse of the Confederacy*.]

FLETCHER M. GREEN

Confederacy, Recognition of the. President Davis on assuming office, Feb. 18, 1861, moved at once to secure the permanent independence of the South. To realize this object a commission headed by W. L. Yancey of Alabama was sent abroad, and later John Slidell and James M. Mason were accredited to France and England respectively (*see Trent Affair*). Their object was to secure recognition as an independent republic, and, if possible, intervention by those powers, to result in the disruption of the Federal blockade^o. Favorable commercial treaties were to be offered as inducements. Although these agents were never received officially, they were entertained clandestinely by ministers and even by Napoleon III.

No success, however, was achieved, despite evidence of individual promises from high sources, and a motion in the British Commons to that effect. Mr. Davis till his death felt that the Confederacy was deceived. Various causes have been given for this failure: 1, antislavery sentiment in Europe; 2, fear of complications with neighboring powers; 3, the personal opposition of the British sovereign and her consort; and, 4, the influence of blockade runners, linen manufacturers and the rivalry of local politicians.

The only official aid obtained by the Confederacy from Europe was the acknowledgment of the rights of belligerency, and the privilege of floating bonds through local agents.

[F. L. Owsley, *King Cotton Diplomacy*, J. M. Callahan, *The Diplomatic History of the Confederacy*.]

HARRISON A. TREXLER

Confederacy, Southern. *See* Confederate States of America, The.

Confederacy, The Constitutional Convention of. *See* Montgomery Convention, The.

Confederate Agents were legion in number at home and abroad. Outstanding in the entire array was John Quintero, designated diplomatic agent to the border states of Mexico. First to appear in the European markets were the purchasing agents of the War, Navy, Treasury, Commissary and Quartermaster Departments. Throughout the war Caleb Huse purchased supplies for the Ordnance Department, and James D. Bulloch bought ships for the navy. Concentration of authority proved so necessary that C. J. McRae was made general financial agent

in Europe. Commercial agents, located at the "neutral islands," in Mexico, and in Canada, constituted another numerous class in control of public business, especially to expedite the forwarding of supplies through the blockade^o. Equally important, if less tangible, was the activity of Hotze, propagandist chief, and his aides, whose task was to influence public opinion in favor of the Confederate cause. Many of the states and even the railroads found it expedient to be represented in the foreign markets. A multiplicity of cotton agents—state, Confederate and army—brought such confusion that centralization was effected under a treasury agent for the Lower South and one for the Trans-Mississippi Department. The skill, energy and resourcefulness of these agents brought results on the battlefields of America.

[F. L. Owsley, *King Cotton Diplomacy*; S. B. Thompson, *Confederate Purchasing Operations Abroad*, Ella Lonn, *Foreigners in the Confederacy*.]

ELLA LONN

Confederate Army. *See* Army, Confederate.

Confederate Cabinet, Flight of, an adventurous, though little known, episode in American history, began when President Jefferson Davis and other high Confederate officials left Richmond April 2, 1865, with the hope of re-establishing their government west of the Mississippi River. Their secret route extended through North and South Carolina, Georgia and Florida. President Davis, Attorney-General George Davis, Secretary of the Navy Stephen R. Mallory, Postmaster General John H. Reagan, and Secretary of the Treasury George A. Trenholm were captured en route, imprisoned, but later released. Secretary of State Judah P. Benjamin and Secretary of War John C. Breckenridge escaped to England.

[A. J. Hanna, *Flight Into Oblivion*.]

A. J. HANNA

Confederate Congress (1861–65). The convention at Montgomery^o, Ala., in February, 1861, which organized the Confederacy, became by its own resolution the Provisional Congress of the Provisional Government. On Feb. 18, 1862, after four sessions of the Provisional Congress, the final Constitution of the Confederate States^o went into operation with a legislature of two houses. The first regular Congress, in four sessions, covered two years. The second Congress, convening in 1864, continued in two sessions until the capture of Richmond^o.

E. A. Pollard characterized the Confederate Congress as utterly inane, without independence,

and "a mere reflection of the will" of Jefferson Davis. But A. H. Stephens described it as the "ablest, soberest, most intelligent body," he ever knew. In personnel it may have been weakened by the tendency of the ablest men to seek military position and preferment. But any body including A. H. Stephens, W. L. Yancey, Robert Toombs, R. M. T. Hunter, L. T. Wigfall, H. V. Johnson and Benjamin Hill was hardly inane. In the light of the overthrow of the Confederacy, the legislation of the Confederate Congress may be criticized as inadequate to the exigencies, but the voluminous laws, suspending habeas corpus, establishing conscription⁹⁹, making financial provisions and attempting to regulate business, compare favorably with any legislation anywhere under similar circumstances.

Independence of judgment and spirit on the part of the Confederate Congresses was shown in refusal to confirm nominations, in resolutions inquiring into acts of executive authority, in active works in committees on military affairs and in timely resistance to encroachments on congressional rights. In the last year of the war, with waning hope of permanent Confederate independence, the Confederate Congress made important inroads on executive prerogative. The weakness of Congress was caused by the essential weakness of the Confederacy itself.

[*Journal of the Congress of Confederate States*, U. S. Senate Documents, No. 234, 58th Congress, 2nd Session; see expanded Proceedings in *Southern Historical Society Papers*, XLIV-XLVI.]

ALFRED P. JAMES

Confederate Constitution. The Congress of seceded states, which assembled at Montgomery⁹⁹, Ala., on Feb. 4, 1861, adopted the "Constitution for the Provisional Government of the Confederate States of America," four days later; and, on March 11, adopted the "Constitution of the Confederate States," which went into effect Feb. 18, 1862. The provisional constitution provided for continuity of Federal law and justice, and for assumption of a pro rata share of the assets and liabilities of the late Union. Both constitutions were modeled on the United States Constitution⁹⁹, but contained significant departures.

Under the permanent constitution, the President was elected for six years without re-eligibility. While he could remove cabinet and diplomatic officers at pleasure, subordinate officers were protected from the spoils system⁹⁹. He was given a budgetary control over appropriations breakable only by a two-thirds vote of Congress. The general welfare clauses were omitted, and expenditures were limited to the payment of debts, the common defense and carrying on the

government. Internal improvements were restricted to those in aid of navigation, with their cost to be recovered by special duties laid on the commerce facilitated. Omnibus legislation, indefinite appropriations, bonuses above stipulated compensation, protective tariffs, industrial bounties and class benefits, were forbidden. The Post Office Department was required to be self-sustaining. Seats in Congress were allowed to cabinet members to discuss departmental matters. The African slave trade was prohibited but interstate rights of slaveholders were protected.

The Confederate keynote was elimination of political waste and keeping each echelon of the complex American plan of government within its appointed orbit.

[J. L. M. Curry, *Civil History of the Confederate States*; W. M. Robinson, Jr., *A New Deal in Constitutions*, *Journal of Southern History*, Vol. II, 1936.]

WILLIAM M. ROBINSON, JR.

Confederate Debt. The public debt of the Confederate States began with the acceptance of a loan of half a million dollars from the State of Alabama. With this sum the wheels of government were put in motion on Feb. 8, 1861. On Oct. 1, 1864, it had risen to \$1,126,381,095, of which \$668,398,200 was funded and \$457,982,895 unfunded. These figures do not include a foreign debt of approximately £2,200,000 sterling, which was covered by public-owned cotton.

The final debt of the Confederacy is unknown; but it must have been in the vicinity of \$2,000,000,000, for the outstanding appropriations on Oct. 1, 1864, amounted to \$744,165,118.95 and the appropriations for the first half year of 1865 totaled \$438,357,720.45. The United States, though it accepted Confederate assets, not only refused liabilities of the conquered Confederacy but compelled the component states to repudiate their individual indebtednesses connected with the war. Nevertheless, for several years Confederate paper continued to be quoted on the British financial markets.

[Reports of the Secretary of the Treasury to the Confederate Congress, 1861-1865; J. D. Bullock, *Secret Service of the Confederate States in Europe*.]

WILLIAM M. ROBINSON, JR.

Confederate Flag, THE, was three times described by the Confederate Congress (March 4, 1861; May 1, 1863; March 4, 1865), each time differently. The Stars and Bars was the first: length, one and one-half times width, three horizontal bars of equal width, the center bar white and the others red, and a blue union, two thirds the width of the flag, bearing a white star for

each state. This is the flag most commonly thought of as the Confederate flag. The battle flag was a square red field with a Greek cross of blue, bordered by white, bearing a white star for each state; different sizes designated different branches of the service. The second Confederate flag was a white field twice as long as wide, with the battle flag as a union two-thirds the width of the flag. The third design was similar except for proportions and the addition of a vertical red bar at the outer edge. There were still other designs for the navy.

[*The Flags of the Confederate States of America*, by authority of the United Confederate Veterans.]

MACK SWEARINGEN

Confederate Governors, Meeting of (Oct. 17, 1864). The governors of Virginia, the Carolinas, Alabama, Mississippi and Georgia met at Augusta and adopted resolutions designed to strengthen the Confederacy. Among other things they recommended that Confederate authorities be allowed to send state forces to any place needed; that deserters and conscripts evading service be sent to the army; and that if necessary, the authorities, "under proper regulations, appropriate such part of the slaves to the public service of the Confederacy as may be required."

[A. B. Moore, *Conscription and Conflict in the Confederacy*, pp. 294-5.]

GEORGIA LEE TATUM

Confederate Judicial System. Conformable to restrictions contained in the provisional constitution, the Judiciary Act of March 16, 1861 provided for one district court in each state and for a Supreme Court to sit at the seat of government on the first Monday in January to be composed of all the district judges. The district courts were vested with the powers of the late United States district and circuit courts, and were authorized to complete the business left unfinished by those courts. The restriction of one judicial district to each state was quickly found to be improvident, and was repealed by a constitutional amendment of May 21, 1861. Thereafter, Virginia, Arkansas and Texas were each divided into two districts and Tennessee into three. A court of admiralty and maritime jurisdiction was provided for Key West, two district courts for the Indian country (Oklahoma), and a system of territorial courts for Arizona. The United States judicial personnel resigned to follow their states, except two judges in Texas, two in Missouri and one in Florida; but only about half of the resigned judges were reappointed by President Davis. The first district court was opened at Mobile in the Southern Division of

the District of Alabama on April 18, 1861. Under the permanent Constitution, which went into effect on Feb. 18, 1862, the Confederate courts lost jurisdiction in cases dependent solely upon diverse citizenship; nevertheless, they continued busy to the end of the war, handling numerous sequestration, prize and habeas corpus cases as well as a varied civil and criminal docket, and unhesitatingly imposed death sentences on counterfeiterers. Though the Confederate courts were held by post-war decisions of the United States Supreme Court as invalid, their records are today regarded as part of the record of the homologous United States district courts.

Realizing the difficulties of time and space in the way of assembling the district judges in Richmond, and the consequent disruption in the district proceedings, the Provisional Congress on July 31, 1861, repealed the provision for the sitting of the Supreme Court until it should be reorganized under the permanent Constitution. At the first session of the First Congress a bill was introduced (April 10, 1862) to organize the Supreme Court with an independent bench; shortly followed by a bill to establish the Court of Claims to supersede the Board of Sequestration Commissioners, which was then functioning as a provisional court of claims. These or similar measures were fruitlessly before the Congress until the collapse of the government in 1865. The opposition to the Supreme Court centered on an effort to repeal the provisions of the Judiciary Act conferring appellate jurisdiction over the decisions of the state courts—a somewhat broader jurisdiction than that enjoyed by the United States Supreme Court. The series of legislative stalemates which prevented the organization of the Supreme Court was the result of dissensions perhaps as much personal as ideological in origin.

[W. M. Robinson, Jr., *Legal System of the Confederate States*, *Journal of Southern History*, Vol. II, 1936, pp. 453-467.]

WILLIAM M. ROBINSON, JR.

Confederate Navy, THE, was organized by act of Feb. 21, 1861, and the same day President Davis appointed S. R. Mallory to be Secretary of the Navy. Mallory served for the duration of the Confederacy. By act of April 21, 1862, the navy was to consist of four admirals, ten captains, thirty-one commanders and a specified number of subaltern officers. Some of these ranks were never filled on account of the lack of ships.

As the states composing the Confederacy seceded, they had attempted to create state navies. A few revenue cutters and merchant steamers were seized and converted into men-of-war. These

were turned over to the Confederate Navy. Before the outbreak of hostilities Raphael Semmes was sent North to purchase ships and materials. None of the former, but some of the latter were secured. Two shipyards fell to the Confederacy when the Gosport Navy Yard at Norfolk[™] was abandoned, and the yard at Pensacola seized. All shipping in the Norfolk yard had been destroyed, but the Confederates raised the hull of the *Merrimack*[™] and converted it into an ironclad ram. Much ordnance was secured from the Norfolk yard. The Pensacola yard was of little value. On May 9, 1861, Secretary Mallory commissioned James D. Bullock to go to England to secure ships for the Confederacy. Bullock had some success, contriving to secure several ships which did much damage, as Confederate cruisers, to United States commerce.

The Confederacy had ample naval personnel, as 321 officers resigned from the United States Navy by June 1, 1861, and tendered their services. Lack of all necessary facilities, however, and the increasing effectiveness of the Federal blockade[™], presented grave obstacles to the creation of a Confederate Navy. The Confederacy never possessed a mobile fleet. Her naval services may be roughly divided into three classes. (1) Ships serving in inland waters, both for offense and defense. Besides many miscellaneous craft, this group included twenty-one ironclads[™] of varying armaments. (2) Commissioned cruisers, harrying the commerce of the United States abroad. This group numbered fifteen, including the *Alabama*, *Florida* and *Shenandoah*[™], whose operations gave rise to the *Alabama* claims[™] against England. (3) Privateers[™].

The Confederacy is credited with introducing the ironclad vessel, thus revolutionizing naval warfare. Confederates also contributed to perfecting the torpedo[™].

[J. Thomas Scharf, *History of the Confederate States Navy*; William M. Robinson, Jr., *The Confederate Privateers*.]

HAYWOOD J. PEARCE, JR.

Confederate Prisons. Approximately 200,000 prisoners were taken by the Confederates in the Civil War. Inadequate resources and no preparation for the task produced a severe drain upon both the material and human resources of the South. An exchange of prisoners, arranged in 1862, was ended in 1863, and captives were held in scattered prison camps until near the end of the war. Among the larger prisons were Libby[™], Macon, Ala.; and Columbia, S. C., for officers; and Andersonville[™], Cahaba, Millen, Charleston and Florence for enlisted men. Deserters, spies and political prisoners were incarcerated

at Castle Thunder[™] in Richmond or in Salisbury, N. C. Throughout most of the war the provost marshal of Richmond exercised a general but ineffective supervision over the prisons. The majority of the prisons consisted of either tobacco warehouses or open stockades. Poor quarters, insufficient rations and clothing and lack of medicines produced excessive disease and a high death rate which was interpreted in the North as a deliberate effort to starve and murder the captives. In retaliation, Northern authorities reduced the allowances for rations and clothing to the prisoners they held. Some relief was obtained when Southerners permitted the Federal authorities to send food, clothing and drugs through the lines, but conditions remained bad and the Confederate prisons became the major "atrocity" in Northern propaganda.

[W. B. Hesseltine, *Civil War Prisons*.]

W. B. HESSELTINE

Confederate States, Blockade of. On April 19, 1861, President Lincoln proclaimed a blockade of the seceded states in pursuance of "the law of nations" (*see* Prize Cases). To conform with international law, which required enforcement of a blockade[™] to the point of risk to blockade runners[™], the Federal Navy in 1861 purchased 136 merchant vessels and began the construction of 52 new craft to supplement the 44 vessels still in condition for service. The personnel of the navy was likewise increased from 7600 to 22,000. During the first year, however, the blockade was not effective beyond creating the required risk. At first, the South contributed to the restriction of commerce by unofficially prohibiting the exportation of cotton, with the hope that England and France would then be forced to ally with the Confederacy to obtain cotton. In the autumn of 1861 the Federals sank stone-laden ships in the Charleston harbor to aid the blockading fleet. The next year the duel between the *Monitor*[™] and the *Merrimack* preserved the blockade in Hampton Roads. After 1862 the blockade gradually became more effective as the number of ships increased and more Southern ports were captured. Roanoke Island, New Orleans, Pensacola and Norfolk were taken by 1862; Mobile and Savannah were closed in 1864; and Wilmington (N. C.) and Charleston[™] were in Federal hands in early 1865. By this time every other blockade runner was being captured, and by the end of the war 1500 vessels and \$31,000,000 in property had been taken by the blockaders.

Europe was, of course, a third party involved in the blockade. The very proclamation of the

blockade, by implying Confederate belligerent⁷⁰ status, justified British and French recognition of Confederate belligerency. On the other hand, England and France recognized the legality of the blockade in spite of the objections and arguments of Confederate agents. The hopes entertained by the Southern commissioners in London and Paris that British and French cotton manufacturers would force their governments to break the blockade were shattered by 1864. These industrialists found themselves loaded up with high-priced cotton and did not relish a quick slump in price which the breaking of the blockade would probably bring. The seizure of the cargo of the British vessel *Springbok*⁷¹ set a new precedent, later costly to the United States, by asserting the doctrine of continuous voyage⁷².

The blockade, resolutely maintained until August, 1865, was one of the major factors contributing to the downfall of the Confederacy.

[J. R. Soley, *The Navy in the Civil War: Blockade and Cruisers*; F. L. Owsley, *King Cotton Diplomacy*.]

LYNN M. CASE

Confederate States, Financing of. The Confederate States' undiversified economy made financing of the war one of its greatest problems.

During 1861-62, C. G. Memminger, the inexperienced Secretary of the Treasury, relied almost wholly on bonds and treasury notes for revenue. Confiscated United States funds, donations and taxes were relatively negligible.

On Feb. 18, 1861, the Provisional Congress authorized a bond issue of \$15,000,000, bearing 8% interest, payable in ten years. Designed to acquire specie, the issue was quickly subscribed, largely because the revenue derived from the export tax of one eighth of one cent a pound on cotton was used as a sinking fund.

With specie scarce the government issued a nominal amount of interest-bearing, and \$150,000,000 noninterest-bearing, treasury notes during 1861 which were exchangeable for \$150,000,000, 8%, twenty-year bonds, or, in some cases, ten-year, 8% bonds. The cotton acquired during the war by produce loans was used by the government to support its foreign credit and as security for a foreign loan of \$15,000,000, authorized by secret act, Jan. 29, 1863.

The large bond and note issues of 1862 were climaxed by the desperate legislation of Sept. 23, 1862, which provided for unlimited issuing of bonds and notes to meet congressional appropriations.

The first step in the direction of forced funding of notes into bonds as a means of reducing the volume of notes was taken through an act

of March 23, 1863, providing for semicompulsory funding of various issues of notes. Funding diminished when banks and newspapers looked adversely on this breach of contract. Then was passed, Feb. 17, 1864, an act placing a 100% tax on notes outstanding Jan. 1, 1865, and making them fundable in twenty-year, 4% bonds. Notes not funded in 4% bonds by certain dates were exchangeable at the rate of \$3 old for \$2 new.

Public confidence in Confederate finances was undermined by this last act. Unpopular, Memminger resigned June 15, 1864, George A. Trenholm succeeding him.

On Oct. 1, 1864, the public domestic debt was \$1,371,000,000, represented by \$362,000,000 in bonds, \$178,000,000 in interest-bearing notes, and \$831,000,000 in noninterest-bearing notes, with \$547,000,000 of these being old notes and \$284,000,000 being new.

During 1865, with bankruptcy imminent, reliance was placed in new issues of treasury notes, produce loans and produce taxes.

[J. C. Schwab, *The Confederate States of America*.]

HAYWOOD J. PEARCE, JR.

Confederate States of America, THE. On Feb. 4, 1861, delegates from six seceded states—South Carolina, Georgia, Florida, Alabama, Mississippi and Louisiana—met in the state capitol at Montgomery⁷³, Ala., to form a general government for themselves. They elected Howell Cobb of Georgia president of their body, which they designated a "Congress," and on Feb. 8 adopted for one year a "Constitution for the Provisional Government of the Confederate States of America" based upon that of the United States. They continued their own group as the Provisional Congress in which each state should have one vote. On Feb. 9 they unanimously elected to the Presidency Jefferson Davis of Mississippi and to the Vice-Presidency Alexander H. Stephens of Georgia. Stephens, a delegate to the Congress, was sworn in on Feb. 11 and Davis, who arrived later, was inaugurated on the 18th. The new President quickly formed a Cabinet of six members. Texas, whose secession ordinance had been ratified by popular vote on Feb. 23, was admitted to the new union on March 2. Meanwhile, the Congress had begun work on a permanent Constitution which was adopted on March 11 and was soon ratified by all the seceded states. This Constitution, with a few important modifications, was closely modeled upon that of the United States (*see* Confederate Constitution).

The Provisional Congress hastened to put the new government into active operation. It continued in force all laws of the United States

as of Nov. 1, 1860, which were not inconsistent with the Constitution of the Confederate States; it declared the navigation of the Mississippi River free to the inhabitants of the upper valley; established the several executive departments; authorized a small loan of \$15,000,000 in bonds and \$1,000,000 in treasury notes (*see Confederate States, Financing of*); made provision for a Confederate judiciary (though a Supreme Court was never established); extended the control of the Confederate government over all questions between individual states and foreign powers; and requested the President to appoint three commissioners to settle all issues with the United States. It also authorized the President to call out, for purposes of defense, state forces as a "provisional army," to accept the services of not more than 100,000 volunteers for twelve months and to procure arms and munitions by purchase or manufacture (*see Army, Confederate*).

President Lincoln's inaugural on March 4 seemed to threaten war since he pronounced secession⁹⁹ void and promised both to enforce the laws of the United States and "to hold, occupy and possess the places belonging to the Government" in the seceded states. The greatest immediate danger of conflict lay in the rival claims to Forts Sumter⁹⁹ in Charleston harbor and Pickens⁹⁹ at Pensacola, both within the Confederate States but still held by United States troops. The Confederates warned that reinforcement of the garrisons would be an act of hostility; but persistent rumors of impending evacuation dispelled much of the uneasiness and when the Congress adjourned on March 16 its members were evidently unaware that war was at hand. The commissioners sent to Washington were rebuffed by Lincoln and Seward, and Lincoln's sudden demonstration in April for the ostensible relief of Sumter caused the Confederates to attack that fort. Davis at once summoned Congress into session, while Lincoln called for 75,000 militia to suppress unlawful "combinations" and proclaimed a blockade of the Southern coasts (*see Confederate States, Blockade of*). Davis called out volunteers to resist invasion. War had begun.

Four border slave states⁹⁹—Virginia, Arkansas, North Carolina and Tennessee—which had previously rejected secession, refused to fight against the South, then seceded and joined the Confederacy. In Unionist northwestern Virginia local leaders organized a "restored" state government which in 1863 obtained admission to the Union as West Virginia. A similar movement in eastern Tennessee failed. In Missouri and Maryland se-

cessionist minorities were sternly repressed. Kentucky for a time maintained neutrality but soon gave majority support to the Union. The secessionists of Missouri and Kentucky, withdrawing southward, set up state governments which were recognized by the Confederate Congress and were admitted to membership in the Confederacy in November and December, 1861.

The Confederates hastened preparations to meet the expected invasion. On May 8 Congress authorized President Davis to accept volunteers for the period of the war. Davis endeavored to induce new regiments to enlist for the war and to persuade those already in service to re-enlist for that period. He succeeded only in part; but some confusion resulted and some dissatisfaction because the War Department, being short of arms, gave preference to those enlisted for the war. By September the Department was refusing to accept twelve-months regiments unless they were already armed. The Confederate government had only such arms as had been found in the local United States arsenals, mostly obsolete flint-lock muskets. Some states had purchased similar ancient weapons, discarded by the United States Army a few years earlier, and some had purchased a few thousand improved arms immediately after the John Brown raid⁹⁹ or during the excitement over secession. Such states armed many of their own volunteers for Confederate service (the government paying them for these arms), but they reserved a portion for local defense. There were no manufacturing armories in the Confederacy when war began and only two very small privately owned powder mills. The War Department hurried agents off to Europe to buy arms and munitions, but it was late in the year before supplies from this source began to arrive. Because the blockade and uncertain credits made reliance upon foreign purchases too risky, the ordnance bureau made many contracts with private firms which, often with the aid of government funds, undertook to manufacture arms and munitions; but the bureau itself, as quickly as it could, began to erect a powder mill, laboratories and armories. Of artillery, especially for field service, there was an alarming scarcity. Some guns were cast at the Tredegar Iron Works⁹⁹ at Richmond and at other places; some were imported, some captured. The heavier cannon for coast defense were imported. The stock of arms of all sorts was gradually increased and improved in quality; but the Confederate armies were never, except in the matter of powder, as well provided for as those of the North.

The problem of feeding and clothing the soldiers presented less initial difficulty. Many of

the volunteers supplied their own clothing, blankets and haversacks; the cavalymen furnished their own horses; and local relief organizations equipped their poorer soldiers until the quartermaster's bureau set up its own shops. As time went on a growing scarcity of raw materials severely hampered the production of shoes, woolen clothing, blankets, cooking utensils and medicines. The lack of adequate hospitals was sorely felt during the first year and even after better hospital facilities had been provided by local societies, state governments and the Confederate medical service, the scantiness of imported medicines (made contraband of war by the United States) resulted in much suffering and many deaths. Inefficient railroad transportation caused great difficulty in getting supplies to the troops at the front (*see* Railroads, Influence of, in Civil War). Above all, the depreciation and final collapse of Confederate currency made the purchase of supplies in the open market virtually impossible.

Upon the invitation of Virginia the seat of government had been moved to Richmond in June, 1861. The victory at Bull Run in July and the minor one at Ball's Bluff⁹⁷ caused so much popular overconfidence that it was hard to persuade the people and the state officials to prepare for a long war. Volunteering "for the war" declined during the winter. When, on Feb. 18, 1862, the permanent Constitution went into effect and Davis and Stephens, re-elected in the preceding fall, were inaugurated for six-year terms, military disasters in Tennessee (*see* Donelson, Fort, Capture of; Shiloh, Battle of) and on the Carolina coasts had darkened the outlook. Davis and his generals knew that the expiration of the terms of the twelve-months men would leave their armies too small to cope with the much larger Union forces. The new Congress in response to Davis' urging passed, on April 16, the first conscription⁹⁸ act which made liable to military service all able-bodied white men from eighteen to thirty-five years of age. Certain necessary exemptions were allowed; but in September the age of service was raised to forty-five and in February, 1864, it was moved down to seventeen and up to fifty years. There was much trouble over some features of the law and especially over exemptions; but at first the act received general support and it kept armies in the field.

The greatest single handicap to the Southern cause was the state of Confederate finances. Beginning its existence without income, save for paltry customs dues, without a tax system and with but little coin available, the Congress re-

sorted to bond issues and a paper currency in expectation of a short war. The blockade reduced tariff revenues to a minimum and the first war tax upon property, assumed by the states, was paid chiefly in state notes which merely increased the flood of paper money. Depreciation set in rapidly in 1862, thus raising prices, increasing the costs of the government and forcing further issues of bonds and irredeemable treasury notes. The steady decline of currency values finally paralyzed the strength of the government and inflicted extreme hardships upon the people. When finally, in April, 1863, Congress resorted to heavy taxation it was too late. An effort to reduce the redundant currency by a funding act, Feb. 17, 1864, failed to do more than check briefly the downward plunge.

The rise in the cost of living cannot be attributed wholly to the fall of the currency for it was largely the result of the scarcity of important commodities such as salt⁹⁹, leather, wool, coffee, medicines, metals and manufactured articles generally. By the fall of 1861 many such articles had reached unprecedented prices. Foodstuffs were rising also, but more slowly. Governors and legislatures attempted to stop "speculation in necessities" and to hold prices down, but their efforts failed. Agitation began for an increased planting of food crops and the reduction of cotton and tobacco; and by voluntary agreements the cotton crop (*see* King Cotton) was cut in 1862 to about 1,500,000 bales (about one third of that of 1861) and larger acreage was given to corn, wheat and other foods. In the following winter state legislatures enacted stringent laws to limit the planting of both cotton and tobacco. Cotton production fell to about 500,000 bales in 1863 and to around 300,000 in 1864. The tobacco crop also declined, though not to the same extent.

Despite the greater attention to food crops there was extreme privation in some sections. The withdrawal of men to the army depleted labor on the small farms; droughts or frosts caused crop failures in many places; the salt shortage reduced the yield of cured meats; the cost of clothing and shoes rose far beyond the meager resources of the poor whether on the farms or in the towns and the pay of the soldier was insufficient to provide his family with the coarsest food. To succor the needy families of soldiers and allay the discontent which was causing desertion¹⁰⁰, every state passed relief laws under which such families received allotments of money from county or state taxes or, after the currency had become worthless, donations of food and clothing. Administration of relief was

difficult in regions overrun or threatened by Union armies or where deserters and outlaws congregated. The shortage of transportation facilities added to the burden. In the towns where business was depressed and work was scarce with wages small, the abnormally high cost of living brought suffering not only to the poor but to all who lived upon fixed incomes. Distress, evident in many localities in 1862, was practically universal before the end of 1863, and grew steadily worse as the war dragged on.

Trade everywhere declined except in army supplies and in goods run in through the blockade (*see* Blockade Runners, Confederate), and these exceptions benefited but few. Small manufacturers of cotton cloth, iron wares and the like enjoyed a brief prosperity, but the failure of the currency left them with mere paper profits, conscription took away many of their best workmen, the blockade hindered the replacement of worn-out machinery, and the rising cost of living forced them to set up expensive commissaries for their employees. The nearly universal resort to barter along with other difficulties reduced their volume of business and brought them to the verge of bankruptcy. In order to procure clothing for their soldiers or to relieve their poor, state governments engaged in foreign trade and manufacturing on their own account. In 1864 Congress, seeking to increase the importation of military supplies, prohibited the importation of certain luxuries and placed all foreign trade, except that of the states, under regulations to be prescribed by the President. When Davis promulgated rules which reserved for the government one half the cargo space on every privately owned vessel, he aroused the determined opposition of those governors whose contracts with blockade runners were jeopardized.

Although conscription had saved the military situation in 1862 and had prolonged the life of the Confederacy, it had aroused the antagonism of states' rights^o doctrinaires such as Gov. Joseph E. Brown, Robert Toombs and Vice-President Stephens, as well as of thousands of men who wished to escape military service. Grasping at technicalities, many sought the protection of the courts. In the absence of a supreme court of the Confederate States, the state supreme courts assumed jurisdiction of constitutional causes, and while they generally sustained the measures of Congress they did not always do so. Some individual judges gave great anxiety to the Richmond authorities. In one way or another thousands managed to avoid service, and the government, despite its utmost efforts, was un-

able to fill up the thinning ranks. Every successive official report from the field after the summer of 1863 showed fewer men with the colors. The suspension of the privilege of the writ of habeas corpus^o, used by Davis with caution and only after explicit authorization by Congress (in marked contrast with its free use by Lincoln), was becoming unpopular even in Congress and was refused altogether after the third such act expired on Aug. 1, 1864. These constitutional issues caused acrid controversies, and Davis, strict constitutionalist that he was, did not escape charges of aspiring to a dictatorship. Numerous opponents of his administration were elected to Congress in 1863, but the President retained the support of the majority of the members until near the end, when stronger symptoms of revolt appeared.

In 1863 the entire line of the Mississippi River had been lost; by 1864 other large sections were occupied by the enemy or threatened. As the military situation became desperate, internal conditions grew worse and the problems of the government multiplied. The finances were near collapse and without remedy; hard pressed for supplies for the fighting men, purchasing officers had resorted to rigorous impressment, which aroused widespread resentment; the railroads were nearing collapse. Confederate diplomacy had failed either to obtain foreign recognition or to induce Great Britain or France to take action against the blockade. Unable to build a navy or to purchase one with which to break up the blockade, the Confederacy was slowly strangling. Administrative control had so weakened in regions remote from Richmond that local military officers did much as they pleased, and bands of lawless men plundered the helpless people who longed for peace. The mountain regions were full of disloyalists (*see* Confederacy, Peace Movements in). Davis was implored to invite or consider overtures for peace (*see* Hampton Roads Conference, The); but negotiations achieved nothing because his oath of office and sense of official duty committed him to claims for Confederate independence which Lincoln would not consider. Only a military decision was possible.

Gen. Sherman's^o shattering drive from Atlanta to Savannah in the fall of 1864 and northward into the Carolinas^o early in 1865 showed clearly what that decision must be. When Gen. Lee, who had guarded the Confederate capital so long, was forced to abandon Petersburg and Richmond and to surrender to Grant the remnants of his gallant army at Appomattox^o on April 9, every soldier knew that further resist-

ance was useless. The other Confederate commanders soon surrendered, the last, Gen. E. Kirby Smith of the Trans-Mississippi Department, on June 2. Three weeks earlier, Jefferson Davis, while trying to make his way westward to continue the struggle, was captured near Irwinsville, Ga., and taken to prison. The Confederate States of America had dissolved.

[*War of the Rebellion: Official Records of the Union and Confederate Armies; Statutes at Large of the Confederate States of America; Journals of the Congress of the Confederate States*, J. C. Schwab, *The Confederate States of America*; N. W. Stephenson, *The Day of the Confederacy*; Robert S. Henry, *The Story of the Confederacy*.]

CHARLES W. RAMSDELL

C. S. A. Cotton. During the Civil War in 1861, 1862 and 1863 the Confederate government issued bonds that were paid for in cotton. Owing to the marking on the bales, this was commonly known as C. S. A. cotton.

[J. C. Schwab, *Confederate States of America, 1861-1865*.]

A. SELLEW ROBERTS

Confederation, Articles of. See Articles of Confederation.

Confederation, Fort (Ala.), was named to commemorate the newly formed union of Indian tribes consummated by the Treaty of Nogales^o. This Spanish post, built in 1794 on the site of the French Fort Tombeche, erected 1736 on the Tombigbee River, was dismantled and abandoned, March, 1797, in accordance with Pinckney's Treaty^o. United States troops rebuilt and occupied the post.

Here Gen. James Wilkinson negotiated a "provisional convention," Oct. 17, 1802, with the Choctaws^o to resurvey the boundary. This was confirmed by a "treaty of demarcation and cession," Aug. 31, 1803. The terms defined the area along the Tombigbee-Mobile rivers to be opened for settlement. Soon afterward the fort was abandoned.

[*American State Papers: Indian Affairs*, Vol. I.]

MACK SWEARINGEN

Confederation, THE. The period between March 1, 1781, and March 4, 1789, is often referred to as the period of the Confederation, because during that time the United States of America existed as a nation under the instrument of government called the Articles of Confederation^o. By virtue of that instrument what had hitherto been simply "The Congress" now became "The United States in Congress Assembled" and embodied whatsoever of authority, legislative, executive or judicial, the sovereign

states had granted to the central organ of their union—and no more. The adoption of the Articles of Confederation did not, however, bring about any great transformation in the machinery or methods of government. Some matters that had theretofore been conducted in an irregular manner were now regularized, some duties of the Congress were now pointed out with particularity, the bounds of congressional authority were more definitely fixed, and that was about all.

That there were many deficiencies in the Articles of Confederation was clearly recognized, but in one respect particularly Congress found itself severely handicapped; this was in the matter of financing its military and other activities. Hitherto the war had been financed mainly by means of Congress' own money, or bills of credit^o; but, about a year before the adoption of the Confederation, Continental money had depreciated until it was practically without value. "Not worth a Continental" had become a by-word. Congress was therefore compelled to cease issuing bills of credit and to make requisitions upon the states for necessary funds. On the part of the states, however, compliance with the requisitions of Congress was slow, or in part only, or even not at all. In consequence the most notable aspect of the Confederation period was the never-ending appeals from Congress and the failure of the states to respond with funds adequate to the most urgent needs. Domestic loans were tried, but with indifferent success. Time and again desperate situations were saved only by loans or gifts from France, the ally of the United States (see Franco-American Alliance of 1778). Indeed, but for timely aids from France, aids of men as well as of money, the American cause would have gone down to defeat. Without the French army and the French navy the victory over Cornwallis at Yorktown^o would not have been possible. Even French money to a considerable extent financed that campaign.

There was a general belief that the British defeat at Yorktown meant the end of the war; nevertheless, while waiting on the slow negotiation of peace, Congress must needs stand guard and try to be ready for eventualities. Thus passed nearly a year and a half. At the close of November, 1782, a provisional treaty of peace was concluded, but that event was not known to Congress until March, 1783. The news came indeed in the nick of time. The army, long unpaid, had become restive and had put forth what is known as the Newburgh Addresses^o, threatening revolt. Only the extraordinary wisdom and diplomacy of Gen. Washington checked the re-

volt, and only the solemn assurances of Congress that pay would be provided—although whence the pay was to come Congress scarcely knew—together with the news that peace had come, quieted the army, the bulk of which was presently disbanded. Even so, one disgruntled regiment marched to Philadelphia and threatened Congress (*see* Pennsylvania Troops, Mutiny of), whereupon that assembly took flight to Princeton. This was the beginning of a period, lasting more than two years, during which Congress wandered almost like a lost soul among the towns of New Jersey and Maryland, finally, at the end of 1785, betaking itself to New York, where it abode for the remainder of its existence.

On Nov. 4, 1783, Congress adjourned from Princeton to meet at Annapolis on the 26th. On the 22nd the Definitive Treaty of Peace⁷⁰, signed on Sept. 3, came to the hand of President Thomas Mifflin, who immediately set about endeavoring to assemble Congress for the ratification of the treaty. One would have thought that news of the treaty would have sent members hurrying to Congress to give their needed affirmation to the consummation of the peace; yet it was not until Dec. 13 that as many as seven states, a bare majority for any sort of business, could be assembled, and there were still only seven states represented on Dec. 23, when Gen. Washington attended to resign his commission. Indeed it was not until Jan. 14, 1784, that nine states, the requisite number for the ratification, were with difficulty brought together. The ratification accomplished, members immediately began to drop out. Such, in fact, had become the indifference among the states toward the affairs of their union and such it remained for the next five years, that only the persistent determination of a comparatively few men of vision saved the United States from dissolution.

The terms of the treaty of peace were better, upon the whole, than most Americans had dared to hope. Especially satisfying was the fact that the vast tract of country lying between the settlements of the states and the Mississippi had been granted to the United States (*see* Western Lands). By the time of the peace, however, the idea put forward early in the contest, that the states claiming those lands ought of right to cede them to the Union for the behoof of all, had in great measure prevailed, as had also the further idea that the western territory should in due time be constituted into distinct states to be taken into the Union on equal terms with the older states. Accordingly, in the spring of 1784, an ordinance to that end, drawn up by Thomas Jefferson, was adopted; and in the following

year a plan was perfected for the disposition of the lands. Various obstacles delayed the inauguration of these plans, but in the summer of 1787, just when the Federal Convention⁷¹ was struggling with the problem of devising a better system of government for the United States, some groups of men approached Congress with offers to purchase large tracts of the western territory; whereupon the ordinance of 1784 was reshaped to their satisfaction, and on July 13 Congress adopted what has become famous as the Northwest Ordinance⁷². Under that ordinance for the government of the western territory, with its notable provision for the admission of new states to the Union, the settlement of the great West was effectually begun, and the growth of the United States of America was assured.

Throughout the period of the Confederation, Congress was much concerned with efforts to obtain from the states enlargements of its powers. The first of these, initiated Feb. 3, 1781, on the eve of the final ratification of the Articles, was a grant of power to levy duties on imported goods, that Congress might have at least a modest fund of its own. By the refusal of one state that effort came to failure in November, 1782. In April, 1783, the request in a somewhat varied form was renewed, but that also was refused by one of the states, as late as 1786. In the meantime propositions, both within Congress and from without, were from time to time put forward that a convention of the states be called for the purpose of reframing the Articles of Confederation so as to make them more adequate to the exigencies of the Union, a movement that finally attained fruition in the Convention of 1787⁷³. When the resultant labors of that convention were laid before Congress, it devolved upon that body, first, to submit the proposed Constitution⁷⁴ to the states for adoption or rejection, and then, when it had been adopted by eleven of the thirteen states, to formulate the plans for its inauguration. The old Congress, it was presumed, would maintain its existence until the hour of the new government had come, then close its career with a resolution to the effect that all matters lying before the United States in Congress Assembled be referred to the Congress about to assemble on the 4th of March. Alas! however, after the 10th of October, 1788, it was never again possible to assemble a quorum. Instead therefore of terminating its existence in an orderly manner and according to law, the Congress of the Confederation merely faded away.

[A. C. McLaughlin, *The Confederation and the Constitu-*

tion; Allan Nevins, *The American States during and after the Revolution.*]

EDMUND C. BURNETT

Confirmation by the Senate refers to the constitutional requirement that appointments by the President shall be made "by and with the advice and consent" of the Senate. Although Congress may by statute waive this requirement in the case of "inferior officers" and has done so for the great majority of such positions, about 40,000 appointments to Federal office must be submitted to the Senate for its confirmation or approval. Such confirmation is by majority vote and is seldom refused. In some cases, such as Cabinet appointments⁹⁷, confirmation is generally given as a matter of course, while in other cases, such as appointments to the Supreme Court, there is a more careful scrutiny of the appointee's qualifications. The necessity of obtaining Senate approval operates, on the whole, as a serious check on the President, and is the principal basis for the practice of senatorial patronage⁹⁸, and also for the twin practice of senatorial courtesy⁹⁹, in accordance with which the Senate will ordinarily refuse to confirm appointments not recommended and therefore opposed by the senators concerned.

[Lindsay Rogers, *The American Senate*; George H. Haynes, *The Senate of the United States.*]

CLARENCE A. BERDAHL

Confiscation Acts, THE (1861-64). During the Civil War the Confederate and Federal governments punished the opposing civilian and military populations by confiscations of private property. The Federal law of Aug. 6, 1861, authorized Union seizure and condemnation through Federal courts of property put to hostile use, and declared forfeited all claim to the labor of slaves who bore arms or worked in military or naval service with permission of Confederate masters. When Generals John Frémont and David Hunter exceeded this statute and proclaimed emancipation, Lincoln repudiated their action (*see* Emancipation, Frémont and Hunter Proclamations). The second act, of July 17, 1862, embodied their principles in modified form. It also designated local, state and Confederate officials, both civil and military, as classes of citizens whose property was subject to seizure. Other individuals aiding the South were given sixty days in which to reassume their allegiance (*see* Amnesty, 1862-98). The Confederate Congress¹⁰⁰ had retaliated on Aug. 30, 1861, by providing for the sequestration of property and credits of Union adherents. The Federal "Captured and Abandoned Property Acts" of March

12, 1863, and July 2, 1864, were, in principle, confiscatory although the proceeds from seizure were recoverable within two years after the cessation of war. Property was defined as abandoned when the owner was absent and aiding the Southern cause. The amount of abandoned land controlled, both during and after the war, comprised less than one five hundredth of Southern territory. Cotton formed about 95% of the possessions seized under the Captured Property Acts; and this seizure acted as a retarding factor in Southern economic reconstruction.

[J. G. Randall, *Constitutional Problems under Lincoln.*]

JOHN C. ENGELSMAN

Confiscation of Property. Beginning with the French alliance of 1778¹⁰¹ the United States made treaties with many nations, agreeing in case of war to permit their merchants a limited time to wind up their affairs, sell out and depart. These treaties stated that war should not be considered to abrogate them.

In January, 1776, Thomas Paine proposed in his *Common Sense* that one way to finance rebellion would be to confiscate the property of those remaining loyal to the king. At least a third of the population, including most of the wealthy people, were loyalists¹⁰² during the Revolution. On June 24, 1776, Continental Congress¹⁰³ declared the property of all loyalists subject to seizure. Local committees and militia units were soon busy enforcing the law. Vandalism and corruption characterized its administration before 1779, and the governments got little revenue. Gradually lawful procedure was established, and by October, 1781, every state but South Carolina had passed a confiscation act. In New York, where loyalists owned two thirds of the property, the state obtained \$3,150,000 specie for forfeited real estate, and in Pennsylvania the Penn family lost property worth £1,000,000 sterling. The peace treaty provided that Congress would urge the states to compensate the loyalists. Because all but South Carolina ignored the plea, Parliament, by laws of 1783 and 1785, agreed to indemnify them. Over 5000 claimants in England, Canada, Nova Scotia and New Brunswick put in demands for a total of £8,026,045, of which £3,292,452 were allowed.

During the Civil War the Confederacy acted first, requiring, by laws of May 21 and Aug. 30, 1861, that all Northern debts, except to inhabitants of certain border regions, be paid the government in specie in exchange for 5% bonds, but the Confederacy got little revenue this way.

The North passed two important confiscation

acts⁷: the first, Aug. 6, 1861, ordered the liberation of slaves engaged in war activities and the confiscation of property used to aid the Confederacy; the second, July 17, 1862, authorized the freeing of all slaves of supporters of the South. Lincoln doubted the second act's constitutionality, so it was used only to free escaped slaves. The Emancipation Proclamation⁸, effective Jan. 1, 1863, was in a sense a third confiscation act. The loss in freed slaves is estimated at \$2,000,000,000. The total value of legally confiscated non-human property, though greater in the South than in the North, was not large, and some was returned after the war.

The confiscation clause in the Trading with the Enemy Act⁹ of Oct. 6, 1917, violated a treaty with Germany, in force since 1829, by which her nationals were to have nine months to leave this country in case of war. The law created an Alien Property¹⁰ Custodian who took over and operated in trust about \$700,000,000 of enemy property. The injustice has been partially rectified by the acts of March 4, 1923, and March 10, 1928, under which aliens¹¹ might recover up to 80% of the amount in trust. By 1935, when the office of Alien Property Custodian was abolished, an amount nearly equal to the original principal had been returned. (See also Privateers and Privateering.)

[A. Nevins, *The American States during and after the Revolution*; A. C. Flick, *Loyalism in New York during the American Revolution*; J. C. Schwab, *Confederate States of America, Financial and Industrial*, W. F. Martin and J. R. Clark, *American Policy Relative to Alien Property*.]

DONALD L. KEMMERER

Congregation de Propaganda Fide. The Sacred Congregation de Propaganda Fide, founded in 1622, may be considered as the completion of the formative stage of the Catholic reform instituted by the Council of Trent (1545-64). Its jurisdiction extended over the Church in all missionary countries, including those lost to Catholicism during the religious revolt of the 16th century. Its officials were, under the Pope, the highest court of appeal for the Church in the United States to 1908, when this country ceased to be a missionary territory. Hence the great value of the Propaganda archives for the history of American Catholicism¹².

[J. A. Griffin, *The Sacred Congregation de Propaganda Fide: its Foundation and Historical Antecedents, Records*, American Catholic Historical Society, XLI, Peter Guilday, *The Sacred Congregation de Propaganda Fide, 1822-1922*, *Catholic Historical Review*, VI.]

PETER GUILDAY

Congregationalists, the direct offspring of the Puritan movement in England, were the most

Congregationalists

numerous and influential religious body to develop in colonial America. Their first church was that at Plymouth composed of Separatist¹³ Puritans who had come over in the *Mayflower*¹⁴ (1620). Because of the combined influence of the Plymouth congregation and the then prevailing ideas as to church polity among the migrating Massachusetts Bay¹⁵ Puritan leaders, other churches as they were formed adopted the Congregational polity. Thus, in about ten years, thirty-three Congregational churches had been organized. When the Connecticut and the New Haven colonies¹⁶ were formed, their congregations also adopted the Congregational polity. In all of these colonies, and later in New Hampshire, Congregationalism was established by law, and throughout the colonial period their ministers exercised a powerful political influence, though they held no political office.

Because of the necessity of defending the Congregational polity against its English critics, the Cambridge Synod was called. It adopted the Cambridge Platform¹⁷ (1648)—embodying the extremely Calvinistic Westminster Confession¹⁸—which was little more than the putting together of the administrative experience of the early Congregational fathers.

With the coming of the large Puritan immigration (1640-60) Congregationalism greatly expanded. Harvard College¹⁹ was established (1636) to provide an educated ministry, and in 1701 Yale College²⁰ was opened for the same purpose. Of great importance was the adoption (1662) of the Halfway Covenant²¹ providing for a kind of halfway church membership for those who could not profess a religious experience, which was true of a large majority of the third generation. As time went on their numbers tended to increase, which was one of the principal reasons for the growing religious inertia and for the liberal tendencies which began to manifest themselves toward the close of the 17th century. To check these tendencies the Massachusetts leaders attempted to force the adoption of certain Presbyterian features. These were rejected in Massachusetts, but adopted in Connecticut (Saybrook Platform²², 1708) and from this time on Connecticut Congregationalism tended more and more toward Presbyterianism.

New England Congregationalism was revived as a result of the Great Awakening²³ (1734-44) and added at least 25,000 new members. The revival, however, split numerous congregations, and produced doctrinal disputes which divided Congregationalism into contending groups. Out of these eventually arose Unitarianism²⁴ (1820). Congregationalism gave almost unanimous sup-

port to the Revolution, the New England clergy having prepared the people to accept the Revolutionary philosophy through their preaching election sermons.

Though there was a large immigration of New England people to the West, Congregationalism failed to develop any adequate method of following them. In 1801 a Plan of Union with the Presbyterians was adopted by which they agreed to form joint congregations in frontier communities. Eventually a majority of these churches became Presbyterian, the net result being that Congregationalism has remained a relatively small body. Though recently united with the Christian Church, the combined membership is still less than one million.

In 1852 the Congregationalists rejected the Plan of Union and formed the American Congregational Union, their first national organization. The Congregationalists have been particularly notable for their missionary and educational activity. They formed the first national foreign missionary society in 1810, while the American Home Missionary Society (1826), predominantly Congregational since 1837, carried on an immense work in the newer sections of the nation. The colleges established by Congregationalists such as Williams, Amherst, Oberlin, Carleton and Grinnell are among the best of their kind in the nation. Their American Missionary Association has worked effectively among Negroes in the South since the Civil War, some of the outstanding Negro colleges being under its control.

[Williston Walker, *History of the Congregational Church in the United States*; W. W. Sweet, *The Story of Religions in America*.]

WILLIAM W. SWEET

Congress, Continental. See Continental Congress, The.

Congress, The Regulatory Powers of, or the authority to control through legislation, are derived either directly or by implication from the powers enumerated in the Constitution. Though the words "regulate" or "regulation" appear only three times in the list of powers enumerated in Article I, Section 8 of the Constitution, the implied powers⁹⁹ clause permits the enactment of any regulatory laws "necessary and proper" to carry out the powers mentioned. The taxing, commerce and postal clauses have been particularly prolific sources of regulatory power.

Generally speaking, the function of applying the congressional regulations is assigned by law to some administrative agency. This agency may

be created so as to be independent of executive control, as in the case of the Interstate Commerce Commission⁹⁹ created in 1887, or it may be located in one of the executive departments under the direction of the President, as in the case of the Agricultural Adjustment Administration⁹⁹ set up in 1933 in the Department of Agriculture. In either case, Congress has the final power to direct, control and supervise the administrative agency, for the legislative body is the source from which all administrative authority is derived. Administrative officials may issue detailed rules and regulations to deal with specific cases, but the standards for the regulation must be set up by Congress. (See also Business, Public Control of)

In a few instances Congress has attempted to regulate through committees composed of its own members. For example, the Joint Committee on the Library of Congress governs the Library of Congress⁹⁹, while the Joint Committee on Printing functions as the governing board for the Government Printing Office⁹⁹. This method of direct administration of congressional regulations has met with considerable opposition, particularly from Presidents Woodrow Wilson and Herbert Hoover, on the ground that it usurps a function of the executive department.

Under a weak President or one who obviously does not command wide popular support, Congress is apt to carry its regulatory power much farther than under a strong President. Thus, in 1866, during the Reconstruction⁹⁹ period, Congress set up a Joint Committee on Reconstruction to see that the will of the congressional majority would be carried out in relation to the South. The so-called military reconstruction act of 1867, favored by the Committee, regulated in detail the procedure whereby the Southern states could be restored to the Union, leaving little to the discretion of the executive branch of the Government.

In contrast, during the periods of the World War and the New Deal⁹⁹, the tendency was for Congress to pass laws delegating to the President and his subordinates the broadest sort of authority to deal with particular situations (see Delegation of Powers). Little or no attention was given to the establishment of standards for executive action. In this manner the Chief Executive rather than Congress determined what regulations should be put into effect and who should administer them. Excellent illustrations of this were the War Industries Board and the National Recovery Administration⁹⁹ through which Presidents Woodrow Wilson and Franklin D. Roosevelt respectively regulated indus-

try. The consequence of this procedure has been inevitably to increase the prestige of the President at the expense of Congress.

[R. E. Cushman, *The Police Power of the National Government*; W. F. Willoughby, *Principles of Legislative Organization and Administration*.]

ERIK MCKINLEY ERIKSSON

Congress, The United States, was indirectly modeled by the Convention of 1787th upon the British Parliament. It consists of two Houses, of which the House of Representatives represents the people according to population and the Senate is composed of two members from each state. Both the form and the basis of representation were the subjects of compromise in the Convention of 1787, and the successful accomplishment of these made possible the formation and finally the adoption of the Constitutionth. Originally the two senators from each state were elected by the state legislatures, but by the Seventeenth Amendmentth, which went into effect on May 31, 1913, the senators are now elected by direct vote of the people.

The House of Representatives consists of "members chosen every second year by the people of the several States, and the electors [voters] in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature" (Constitution, Art. I, Secs. 1-2). The qualifications for a representative are that he shall be at least twenty-five years of age, have been for seven years a citizen of the United States and when elected be an inhabitant of that state in which he shall be chosen. Also representatives and direct taxes shall be apportioned among the several states which may be included within the Union according to their respective numbers.

The first censusth was taken in the year 1790 and has been repeated every ten years since that time. The number of representatives shall not exceed one for every 30,000 inhabitants but each state shall have at least one representative. The Constitution provided for a definite apportionment of sixty-five members for the various states at first until a new apportionment could be made following the first census. The number of members was increased after each census but that of 1840, when there was a reduction from 242 to 232. This was in spite of an increase of population during the preceding ten years, but was accomplished by increasing the ratio of apportionment. The reapportionment act of 1929 definitely fixed the number of representatives at 435 who are apportioned among the states according to the method known as major fractions by which each state receives one member for each ratio

quotient and major fraction thereof. If, following any census, Congress fails to enact the necessary legislation for apportionment, the representation reported by the President to be based upon that census automatically goes into effect for the elections to the next Congress.

The state governments divide the territory of each state into districts but the territory in each district must be "contiguous." It is possible to manipulate the shape of a district so as to include various counties and cities by means of a process known as "gerrymandering"th with the result that large numbers of voters of one party can be included in one congressional district. The district thus may be lost to the opposing party by a large majority while a number of other districts can be won by the party in power by small majorities. When a state such as Delaware or Vermont has but one member, he is chosen "at large" by the voters of the entire state. There is nothing to prevent any or all members being thus chosen in any state and frequently following a new apportionment the state government will prefer that any newly acquired member be elected at large rather than disturb the already existing districts. When vacancies occur the executive authority of the state issues writs of election to fill such vacancies. While the Constitution merely requires that a representative shall be an inhabitant, that is resident, of a state, yet the custom has grown that a representative also must be a resident of the district of the state from which he is elected. This custom is occasionally but not often broken.

The House of Representatives is presided over by a speakerth and has such other officers as it may determine. The speaker is nominated by a caucusth of the majority party. The candidate for the office honored by the vote of the minority usually assumes the position of floor leaderth of his party. The power and influence of the speaker increased rapidly from the beginning until it reached a position of real dictatorship. In the year 1910, a revolt against the power of Speaker Joseph G. Cannon deprived the office of most of its powers and placed them in the hands of the committees. Each party chooses a Whip to assist the floor leader in securing the organization and support of the party followers.

The House generally is organized into about fifty standing committees. The members are designated by a Committee on Committees chosen by the members. The party members of this committee meet separately and agree upon their respective members who then are submitted as a joint list of the Committee and voted upon by the House of Representatives. The membership

of the committees is divided among the parties roughly in proportion to the total party membership of the House. In general, the oldest majority members in length of consecutive committee service serve as chairmen of the respective committees. The majority party controls the Committee on Rules which in turn determines the business to be brought before the House for consideration.

The term of senators is six years, but the members are divided into three classes so that one third of the total membership changes or is re-elected every two years. By provision of the Constitution, the Vice-President^o of the United States presides over the Senate, but has no vote except in case of a tie. The Senate chooses a president *pro tem.* who presides in the absence of the Vice-President. The Senate also is organized into about thirty-five standing committees upon somewhat the same plan as is the House of Representatives. The Constitution (Art. I, Sec. 3, Paragraph 3) requires that a senator shall be thirty years of age, shall have been nine years a citizen of the United States and an inhabitant of that state from which he has been chosen. Both Houses are given authority (Art. I, Sec. 5, Paragraph 1) to be judge of the elections, returns and qualifications of their own members.

While debate in the House of Representatives is strictly controlled and limited by the majority, yet debate in the Senate is almost uncontrolled. It can be shortened or closed only by a cumbersome procedure which can be put into effect upon a petition of sixteen senators followed two days later by a two-thirds vote. If the cloture is passed it then provides that a measure under discussion shall be the unfinished business to the exclusion of all other business until disposed of, but each senator may speak for one hour and no longer on the measure under discussion. The rule seldom has been used. This makes possible a filibuster^o or delaying of business by opposing senators who may hold the floor and discuss a measure for days or weeks in order to cause its final defeat by the pressure of other business.

According to the Constitution money bills must originate in the House of Representatives but the Senate has complete freedom of amendment and this includes reduction or addition to the amounts at its discretion. The House may pass articles of impeachment^o against any executive and judicial official of the United States Government. The Senate then sits as a court following the presentation of charges or indictment by the House of Representatives. Condemnation can be accomplished only by a two-thirds

vote of the members present. The Senate also confirms appointments by the President by simple majority vote and ratifies treaties by a two-thirds vote.

When the Convention of 1787 formed the Constitution it was anticipated that the House of Representatives would be the more powerful body since it was elected by the direct vote of the people. The Senate, however, soon began to gain at the expense of the House of Representatives until today it is the more powerful House. The longer term of office, smaller number of members, unlimited debate, influence over foreign affairs by ratification of treaties and participation in the spoils of office through the confirmation^o of the President's appointments has much to do with this. Due to the fact that the senators originally were elected by the state legislatures and hence did not exercise their great powers under popular control the movement arose which resulted in the Seventeenth Amendment and the direct election of senators by the people. This has not resulted in a lessening of senatorial powers, but that House still has predominate influence in legislative matters. The Senate is one of the most influential legislative bodies in the entire world.

The individual senators and members of the House of Representatives are provided with clerks, secretaries and offices in the Senate and House office buildings, all at the public expense. The salary is \$10,000 a year and in addition the members of both Houses have the franking^o privilege or free postal service and also a generous provision of "mileage" for traveling expenses from their homes to Washington and return for each session of the Congress of which they are members. While, of course, individual members of both Houses must face the fortunes of party warfare, yet it has been the custom for senators to be re-elected for a number of terms, some of them serving from twenty to thirty years. The proportion of representatives re-elected is not as great as that of the Senate. The power and influence of any specific Congress depend in large part upon the membership, party majorities and also the caliber or initiative of the man who may be President at the time.

The principle of separation of powers^o which may prevent unity between the executive and legislative departments has caused the use of congressional investigations^o in order to find out what is taking place in any department of the Government. These investigations, of course, are more frequent when the President and one or both Houses are of the opposing parties. The investigations undertaken by the Senate are usu-

ally more thorough and more lasting since the prestige of the upper House is able to accomplish much more.

[Woodrow Wilson, *Constitutional Government in the United States*; J. Bryce, *The American Commonwealth*.]

WILLIAM STARR MYERS

Congress of Industrial Organizations, THE, was founded at Pittsburgh in November, 1938, as an outgrowth of the Committee for Industrial Organization. The latter originated in dissension within the American Federation of Labor⁷⁰ upon organizational policy. The National Industrial Recovery Act⁷¹ of 1933 provided stimulus to labor organization. Campaigns were projected for the organization of the mass-production industries, but controversy developed over craft and industrial union principles. The craft unions dominant in the Federation demanded that newly organized workers be divided by crafts. Industrial unionists opposed this policy. At the 1934 A. F. of L. convention a principle of industrial organization for the mass-production industries apparently was adopted. Failure to carry out this policy provoked the industrial union group and at the 1935 convention bitter debate ensued, but the craft viewpoint prevailed. Subsequently leaders of seven organizations within the A. F. of L. constituted themselves a Committee for Industrial Organization to push industrial unionism. Federation officials viewed this action as defiance and as promoting dual unionism and ordered dissolution of the Committee. In November, 1936, the C. I. O. groups were suspended. The C. I. O., financed by constituent unions, pushed organizational work independently. Negotiations for reconciliation with the A. F. of L. were attempted, but were unsuccessful. The C. I. O. chartered new groups, and claimed to have affiliated thirty-two unions by the end of 1937. In 1938 the organization held a constitutional convention. Delegates asserted to represent approximately 4,000,000 workers were present. Permanent organization was effected.

[Lois MacDonald, *Labor Problems and the American Scene*; U. S. Labor Information Bulletin, December, 1938.]

HERBERT MAYNARD DIAMOND

Congresses, 1st to 76th, Table of. The second clause of Art. I, Sec. 4 of the Constitution, which has been superseded by Sec. 2 of the Twentieth Amendment⁷², provided that Congress⁷³ should assemble at least once yearly, on the first Monday of December, unless a different day should be appointed by law. However, the beginning and end of the terms of senators and representatives, and therefore the calendar limits of each Con-

gress, were determined by the action of the Congress of the Confederation⁷⁴ in designating March 4, 1789, as the day for the new government under the Federal Constitution to begin to function. The Twentieth Amendment, which declared that the terms of senators and representatives should end at noon on Jan. 3, and which thereby shortened the term of the 73rd Congress by two months, was adopted in 1933.

The following table gives the years within which each term of Congress from the 1st to the 76th began and ended, together with the names of speakers of the House of Representatives, and the presidential administrations.

| Congress | Term | Speaker | Administration |
|----------|-----------|---------------------|-----------------------|
| 1st | 1789-91 | F. A. Muhlenburg | George Washington |
| 2nd | 1791-93 | Jonathan Trumbull | " " |
| 3rd | 1793-95 | F. A. Muhlenburg | " " |
| 4th | 1795-97 | Jonathan Dayton | " " |
| 5th | 1797-99 | " | John Adams |
| 6th | 1799-1801 | Theodore Sedgwick | " " |
| 7th | 1801-3 | Nathaniel Macon | Thomas Jefferson |
| 8th | 1803-5 | " | " " |
| 9th | 1805-7 | " | " " |
| 10th | 1807-9 | Joseph B. Varnum | " " |
| 11th | 1809-11 | " | James Madison |
| 12th | 1811-13 | Henry Clay | " " |
| 13th | 1813-15 | Henry Clay | " " |
| 14th | 1815-17 | Langdon Cheves | " " |
| 15th | 1817-19 | Henry Clay | James Monroe |
| 16th | 1819-21 | Henry Clay | " " |
| 17th | 1821-23 | John W. Taylor | " " |
| 18th | 1823-25 | Philip P. Barbour | " " |
| 19th | 1825-27 | Henry Clay | " " |
| 20th | 1827-29 | John W. Taylor | John Q. Adams |
| 21st | 1829-31 | Andrew Stephenson | " " |
| 22nd | 1831-33 | " | Andrew Jackson |
| 23rd | 1833-35 | Andrew Stephenson | " " |
| 24th | 1835-37 | John Bell | " " |
| 25th | 1837-39 | James K. Polk | " " |
| 26th | 1839-41 | R. M. T. Hunter | Martin Van Buren |
| 27th | 1841-43 | John White | { William H. Harrison |
| 28th | 1843-45 | John W. Jones | { John Tyler |
| 29th | 1845-47 | John W. Davis | { John Tyler |
| 30th | 1847-49 | Robert C. Winthrop | { James K. Polk |
| 31st | 1849-51 | Howell Cobb | { Zachary Taylor |
| 32nd | 1851-53 | Lynn Boyd | { Millard Fillmore |
| 33rd | 1853-55 | " | { Millard Fillmore |
| 34th | 1855-57 | Nathaniel P. Banks | { Franklin Pierce |
| 35th | 1857-59 | James L. Orr | James Buchanan |
| 36th | 1859-61 | William Pennington | " " |
| 37th | 1861-63 | Galusha A. Grow | Abraham Lincoln |
| 38th | 1863-65 | Schuyler Colfax | " " |
| 39th | 1865-67 | " | { Abraham Lincoln |
| 40th | 1867-69 | " | { Andrew Johnson |
| 41st | 1869-71 | James G. Blaine | { Andrew Johnson |
| 42nd | 1871-73 | " | { U. S. Grant |
| 43rd | 1873-75 | " | { " " |
| 44th | 1875-77 | { Michael C. Kerr | " " |
| 45th | 1877-79 | { Samuel J. Randall | " " |
| 46th | 1879-81 | { Samuel J. Randall | Rutherford B. Hayes |
| 47th | 1881-83 | Joseph W. Kelfer | { James A. Garfield |
| 48th | 1883-85 | John G. Carlisle | { Chester A. Arthur |
| 49th | 1885-87 | " | { Chester A. Arthur |
| 50th | 1887-89 | " | { Grover Cleveland |
| 51st | 1889-91 | Thomas B. Reed | Benjamin Harrison |
| 52nd | 1891-93 | Charles F. Crisp | " " |
| 53rd | 1893-95 | " | Grover Cleveland |
| 54th | 1895-97 | Thomas B. Reed | " " |
| 55th | 1897-99 | " | William McKinley |
| 56th | 1899-1901 | David B. Henderson | " " |
| 57th | 1901-3 | " | { William McKinley |
| 58th | 1903-5 | Joseph G. Cannon | { Theodore Roosevelt |
| 59th | 1905-7 | " | { Theodore Roosevelt |
| 60th | 1907-9 | " | { " " |

| Congress | Term | Speaker | Administration |
|----------|---------|---------------------|-----------------------|
| 61st | 1909-11 | Joseph G. Cannon | William H. Taft |
| 62nd | 1911-13 | Champ Clark | " |
| 63rd | 1913-15 | " | Woodrow Wilson |
| 64th | 1915-17 | " | " |
| 65th | 1917-19 | " | " |
| 66th | 1919-21 | Fredenck H. Gillett | " |
| 67th | 1921-23 | " | Warren G. Harding |
| 68th | 1923-25 | " | Warren G. Harding |
| 69th | 1925-27 | Nicholas Longworth | Calvin Coolidge |
| 70th | 1927-29 | " | Calvin Coolidge |
| 71st | 1929-31 | " | Herbert Hoover |
| 72nd | 1931-33 | John N. Garner | " |
| 73rd | 1933-35 | Henry T. Rainey | Franklin D. Roosevelt |
| | | Joseph W. Byrns | " |
| 74th | 1935-37 | Joseph W. Byrns | " |
| | | William B. Bankhead | " |
| 75th | 1937-39 | William B. Bankhead | " |
| 76th | 1939- | " | " |

RALPH FOSTER WELD

Congressional Apportionment. See Apportionment, Constitutional.

Congressional Record, THE, is a daily publication during the sessions of Congress, but is not the official record of its proceedings. The Senate and House Journals contain these. The *Record* prints not only the daily actions of each chamber, but also a checked stenographic record of all remarks and formal debate. This daily account of legislative action and opinion has been published by the Government since 1873. It was preceded by three separate series of reports. The *Annals of Congress* (1789-1824), *Register of Debates* (1824-37), and *Congressional Globe* (1834-73) were privately inspired and privately published with a consequent questionable accuracy.

[D. S. Alexander, *History and Procedure of the House of Representatives*.]

GEORGE C. ROBINSON

Connecticut. The Dutchman, Adrian Block, in 1614, was the first definitely known explorer of the Connecticut coast and river. The interior of the state was first explored by Edward Winslow of Plymouth in 1632. The Dutch from New Amsterdam^m established the first trading post, the House of Hope^m, within the present bounds of Hartford in 1633. A few weeks later, Lt. William Holmes, of Plymouth, pushed on up the river and established a post at the present Windsor. Both these undertakings were crowded out within a score of years by settlers from Massachusetts Bay Colony^m who, during 1635 and 1636, settled the three River Towns^m of Windsor, Hartford and Wethersfield. In 1635 John Winthrop, Jr. arrived in New England with appointment as governor to act for Lord Saye and Sele and others who claimed the Connecticut region under the so-called Warwick Patent (see Connecticut, The Old Patent of). He established a fort at Saybrook and entered into an agreement,

through the Bay Colony government, with the Massachusetts Bay settlers who were moving to the Connecticut Valley. Under this arrangement a commission chosen among the settlers was created to maintain civil government for the River Towns. When the commission expired by limitation at the end of a year, the towns carried on a provisional administration until January, 1639, when they adopted a frame of government called the Fundamental Orders^m, under which the affairs of the Connecticut Colony were conducted for over two decades. Because of this remarkable document, somewhat inaccurately described as a constitution and as the first written constitution, Connecticut has been called the Constitution State. The Connecticut Colony increased in population and expanded rapidly, acquiring Saybrook in 1644, and establishing the new towns of Farmington, Middletown, Stratford, Fairfield, Norwalk, New London and Norwich. In 1650 a code of laws, drafted by Roger Ludlow, was adopted (see Ludlow's Code).

Meanwhile other groups of settlers newly arrived from England established themselves independently on the shore of the Sound. In contrast with the people at the River Towns, for whom farming was the principal occupation and trade an incident, the followers of Theophilus Eaton and Rev. John Davenport located at New Haven in 1637-38 to establish a trading town with agriculture as a subordinate necessity. While Hooker and his companions sought an atmosphere in which religion and government would be less closely interwoven than in Massachusetts, Davenport's party desired an even more theocratic^m state as was shown in the Fundamental Articles of New Haven adopted on June 14, 1639. Other settlers located at Guilford, Milford, Stamford and Branford and joined with New Haven in 1643 to form the New Haven Colony^m. Gov. Eaton's code of laws adopted in 1656 by the New Haven Colony obtained later undeserved notoriety as the Blue Laws^m.

Territorial and governmental security were assured by the charter issued by Charles II in 1662 which combined New Haven with the Connecticut Colony. This charter permitted almost complete self-government and, with verbal changes in 1776 to assert independence, it remained in force till 1818 (see Connecticut: Charter of 1662). In the colonial wars with the French, Connecticut was an active participant and in the American Revolution^m bore its full share though very little fighting occurred within the state. Connecticut's delegates were active in framing the Federal Constitution of 1787 and the state was the fifth to ratify, Jan. 9, 1788.

The first three decades of the 19th century witnessed a slow democratic revolution whose principal product was the state constitution of 1818 which still (1939) remains in force. Of the forty-one amendments to this constitution, the most important, in 1886, provided for biennial terms for state officers and biennial sessions of the legislature. Acts passed by the General Assembly of 1937 effected an extensive reorganization and centralization of the state government.

Since 1800 Connecticut has been benefiting from the prompt and extensive employment of each successive means of improving transportation and communications. These have had a close relationship to the industrial development of the state which has been of dominant importance since about 1840. The output of Connecticut factories is extremely varied but the more important groups include brass, hardware, machinery and machine tools, textiles, hats, typewriters, clocks and pins. The population of the state since 1840 has been changed by waves of immigration successively from Ireland, Germany, Sweden, Italy and Poland. Hartford has been the capital except between 1701 and 1875 when it shared the honor with New Haven.

[George L. Clark, *History of Connecticut; Connecticut Tercentenary Pamphlets*, 60 numbers, Florence S. M. Crofut, *Guide to the History and Historic Sites of Connecticut*.]

GEORGE MATTHEW DUTCHER

Connecticut: Charter of 1662. Following the accession of Charles II to the British throne, the people of Connecticut believed that the time was favorable for petitioning the king to grant them a charter for the colony, as they considered that the Old or Warwick Patent^o, under which they then held their lands, gave them only a somewhat uncertain tenure. Whereupon they chose John Winthrop, their governor, to act in the matter. Carrying a draft of a charter (which evidently was not used) based upon the Warwick Patent and letters to several persons of note, he sailed for England on his mission in 1661. His efforts were rewarded by the granting of a charter bearing the great seal and dated April 23, 1662. So liberal were the terms of this document that it was almost a grant of freedom to the colony. This charter was written and sealed in duplicate. One of these originals Winthrop brought with him when he returned later in the year; the other he left in safe hands in England where it remained for many years, probably until 1697. All went well until King James II succeeded to the throne in 1685. James endeavored to annul many existing charters, including that of Connecticut. The colony in a petition to him asked

that they might continue as they were; but if that could not be, that they might go under the government of Massachusetts rather than that of New York. This the English officials assumed to be a surrender of the colony's freedom, and Sir Edmond Andros was sent over late in 1686 to receive their charter on behalf of the king, "if tendered by you." Much unsatisfactory correspondence followed between Andros, in Boston, and the Connecticut authorities, resulting at last in Andros coming with an armed troop to take over the government. Arriving in Hartford late in the day on Oct. 31, 1687, he was received with due ceremony and held "some treaty" with the colony authorities that evening. The next day "they all together went . . . to the publique court house" where Andros read his orders and commission and formally annexed the colony to his Dominion of New England^o.

It was at this time, according to tradition, that Andros called for the charter and after it had been brought in, and while Governor Treat was making a fervid speech against its surrender, the lights were suddenly extinguished and when they were relighted, the charter was gone—having been taken by Joseph Wadsworth and secreted in a hollow tree, known later as the Charter Oak. This tree became almost an object of reverence until it fell in 1856, at the estimated age of one thousand years. Certain it is that Wadsworth preserved the charter "at a time when the government was struck at" and that he retained it in his possession for some years, for the General Assembly formally recognized his act. Andros administered the government for about two years when, upon the overthrow of King James, Connecticut resumed her charter government and high legal authority in England gave an opinion that the charter had not been vacated and remained in full force. With the necessary changes following the Revolution, the charter continued as the basic law of Connecticut until 1818. The remaining portion of the historical original, the Wadsworth charter, may be seen in the Connecticut Historical Society, while the historical duplicate, which Winthrop left in England, intact except for loss of its seal, hangs in the hall of the Connecticut State Library.

[Albert C. Bates, *The Charter of Connecticut*.]

ALBERT C. BATES

Connecticut, Fundamental Orders of. As founded in 1635, Connecticut consisted of the three River Towns^o of Windsor, Hartford and Wethersfield, with Springfield temporarily included. The River Towns were established within territory to which the planters had neither

patent nor title. And, apparently, without higher authorization than their own good right (unless a so-called commission, of no legal standing and doubtful acceptance, recorded by the Massachusetts Bay Colony may be considered authorization) they established a court, which, from April 26, 1636, until April 5, 1638, exercised jurisdiction over such matters as trade with the Indians, the appointment of constables, the organization of a militia, the punishment of offenders, the laying of taxes and the determination of boundaries; and which declared and conducted a war against the Pequot Indians (*see* Pequot War). Then, during the spring of 1638, there was a general assembly of the planters, held apparently with a view to establishing a more satisfactory form of government than had hitherto existed. Out of this meeting came the Fundamental Orders: "voted" on Jan. 14, 1639. Exactly how these orders were arrived at, and whether an existing court or the whole body of planters voted them, can only be surmised. That they were put into their final form by Roger Ludlow is practically certain.

The document, consisting of a preamble and eleven orders, created a form of government for the three towns. It recognized no higher authority than the freemen^o of those towns. The preamble set forth that "where a people are gathered together the word of god requires that to mayntayne the peace and Vnion of such a people there should be an Orderly and decent Gouverment established." The ensuing orders provided for the calling of general assemblies; the election of a governor and magistrates; and the qualification of voters. They specified how the deputies to the Court were to be elected; how the elections were to be called; how the courts were to be organized and empowered; and how taxes were to be apportioned between the towns. It was pointedly stated that no Court was to be adjourned or dissolved without the consent of the majority of its members.

The sixth and tenth orders are particularly interesting in that they set forth in detail how, in case the governor or magistrates neglected or refused to call a General Court, the freemen had the power, of their own right, to give orders for the calling of a Court and to proceed to any act of power which a regularly ordered Court might do. In these provisions, promulgated on the banks of the Connecticut River in 1639, is to be found the first public expression of the revolutionary provisions embodied in the Triennial Act which was passed by the Parliament of England two years later.

Although superseded in 1662 by a charter (*see*

Connecticut: Charter of 1662) from the royal hand which they had ignored, the essential features of the Orders were incorporated in the charter, which continued as the basis of government for Connecticut until the adoption of a new state constitution in 1818, which constitution in turn continued these fundamentals.

To what extent the Fundamental Orders influenced later constitutional development in America is still a subject for controversy; but that they established a pattern which reappeared in the state constitutions^o of 1776ff cannot be questioned. (*See also* Republic.)

[Tercentenary Commission of the State of Connecticut, *The Fundamental Orders of Connecticut*; R. V. Coleman, *A Note Concerning the Formulation of The Fundamental Orders.*]

R. V. COLEMAN

Connecticut, The Old Patent of, is known only from conflicting claims made under its authority and from what purports to be a copy of a deed made by the Earl of Warwick, on March 19, 1632, of a strip of land including a part of the present State of Connecticut. Warwick had no right to make the grant; nor did the grantees—Lord Saye and Sele, Lord Brooke and others—make any move to take possession until, in 1635, actual settlement of the Connecticut country was under way by other groups at the River Towns^o. At that time the agents of the grantees announced their claim and began the erection of a fort at the mouth of the Connecticut. Their efforts did not prosper, however, and in 1644 the fort and, presumably, the rights under the patent were sold to the planters of the River Towns, who had from the beginning regarded themselves as the colony of Connecticut. At the Restoration, when this self-blessed colony sought a royal charter, the nebulous Warwick Patent was cited in support of the bounds desired, and undoubtedly played a large part in securing for Connecticut the limits set forth in the Charter of 1662 (*see* Connecticut: Charter of 1662).

[R. V. Coleman, *Old Patent of Connecticut.*]

R. V. COLEMAN

Connecticut Compromise. In the Convention of 1787^o the larger states supported the Virginia plan which would create a bicameral legislature^o in which "the rights of suffrage . . . ought to be proportioned to the Quotas of contributions, or to the number of free inhabitants." Anticipating the greater burdens, these states demanded a commensurate share of control. The small states, jealous of their welfare, refused to be moved from their demand for equality in a unicameral^o house. Here was the fundamental

problem of balance in a federation of states differing so greatly in size. June 11, Roger Sherman, of Connecticut, proposed a compromise: two houses, the one with equal and the other proportional representation. Amendments linking direct taxes and representation in the House of Representatives and both of these with three-fifths or Federal ratio were added. In its amended form the proposal of Roger Sherman was finally adopted, and has since been known as the Connecticut Compromise.

[A. C. McLaughlin, *The Confederation and the Constitution*; Documents Illustrative of the Formation of the Union of the American States, compiled and arranged by Charles Tansill, *House Document*, 398, 69th Cong., 1st Session, Government Printing Office, 1907.]

THEODORE M. WHITFIELD

Connecticut Constitutional Convention (1818). Two hundred and one delegates met at Hartford, Aug. 26–Sept. 16, to frame a constitution which would replace the Connecticut Charter of 1662nd. The members represented all shades of political and religious opinions, from conservative Federalists to radical Republicans (Jeffersonian), and Congregationalistssm to infidels. The final draft, approved 134–61, represented a moderately liberal advance over former governmental practices. All Christian sects were put on an equal basis, thus ending the grievance against the Congregational dominance over the state government; small-town control of the lower House of the legislature was continued; the governor was given slightly more power than he formerly possessed; and an independent judiciary was established. The work of the convention was ratified by the electorate on Oct. 5, by vote of 13,918 to 12,364.

[R. J. Purcell, *Connecticut in Transition, 1775-1818*; J. M. Morse, *Under the Constitution of 1818*.]

JARVIS M. MORSE

Connecticut Land Company. See Connecticut's Western Lands; Western Reserve.

Connecticut Wits. See Hartford Wits.

Connecticut's Western Lands stemmed from her royal charter of 1662 (see Connecticut: Charter of 1662), granting the territory between Massachusetts on the north, the "Sea" on the south, Narragansett Bay on the east, and the South Sea on the west. In securing this charter, Connecticut's representatives cited the "Old Patent" (see Connecticut, The Old Patent of).

Little interest was taken in the vast strip to the westward until the middle of the 18th century, when many settlement petitions were made. One Connecticut enterprise, the Susquehanna Companysm which was granted lands in

the Wyoming (Pa.) region, came into conflict with Pennsylvania in the Yankee-Pennamite Warssm, and as a result Connecticut was forced to relinquish jurisdiction (1782).

In 1780, to overcome the menace of unsettled boundaries and provide a public domainsm, Congress asked the six states whose colonial charters granted western rights to cede their claims. New York responded first, others followed, but Connecticut withheld cession until she received the grant of an area extending 120 miles from Pennsylvania's western boundary along Lake Erie, considered equal to the Wyoming lands.

This Western Reservesm, excepting the half million acres set off as the "Firelands,"sm for compensating the losses of Connecticut families in British and Indian raids, Connecticut sold in 1795 to the Connecticut Land Company for \$1,200,000, thereby establishing her educational fund. In 1800, to ensure clear land titles, she relinquished jurisdiction to the United States Government, the region being made Trumbull County, Northwest Territory.sm

[J. P. Boyd, ed., *The Susquehanna Company Papers*; F. L. Paxson, *History of the American Frontier*.]

FRANCES DORRANCE

Connolly's Plot. In 1775, John Connolly, a loyalist officer who had lived at Fort Pittsm for some years and knew the frontier situation, proposed to Lord Dunmore that he should proceed to Detroit, enroll a force of British troops and Indians, capture Fort Pitt, march on Winchester, and join Lord Dunmore in putting down the rebellion in Virginia. Dunmore was favorably impressed by the possibilities of this plan and sent Connolly to Gen. Gage at Boston, who concurred, and Connolly set out for the West. Washington had been warned, however, and sent word to the Maryland Committee of Safety. Connolly was captured Nov. 20, 1775, at Hagerstown, his papers taken, and he sent to prison in Philadelphia. The plot, if successful, might have aroused the western Indians against the frontier two years before they began their devastations.

[Thwaites and Kellogg, *Dunmore's War and Revolution on the Upper Ohio*.]

LOUISE PHELPS KELLOGG

Connor, Fort, was established by Gen. P. E. Connor, Aug. 19, 1865, at the Bozeman Trailsm crossing on Powder River, Wyo., as headquarters for operations against the Cheyenne and Sioux Indians (see Powder River Campaign). It was abandoned the following winter, but rebuilt on a different site the next June as Fort Reno. It was again abandoned after the Red Cloud Warsm.

[Hebard and Brininstool, *The Bozeman Trail*.]

PAUL I. WELLMAN

Conquistadores (conquerors) is the name properly given leaders of the Spanish conquest of the Americas, though their followers are also included by the term. Ponce de León⁹⁷, in search of the fabled Fountain of Youth, had landed on the shores of Florida (1513) before the great Cortés, in 1519, took Mexico. Immediately thereafter, other *conquistadores* began exploring and subduing lands northward. Notable among them were Narváez⁹⁸, whose shipwreck on the Texas coast (1528) resulted in the seven years' walk of Cabeza de Vaca, a survivor, across the continent to Sinaloa; DeSoto⁹⁹, who in 1539, with 550 men, 200 horses and a herd of hogs, marched north from Tampa Bay, reached Tennessee, wandered across Oklahoma and Arkansas, and was buried in the Mississippi River he had discovered before the wretched remnant of his men found succor in Mexico four years after their *entrada*¹⁰⁰ began; Coronado¹⁰¹, whose fantastic search (1540-42) for the mythical Seven Cities of Cibola¹⁰² took him into New Mexico, across the Staked Plains¹⁰³, and perhaps into Kansas; Espejo, who, looking for a lake of gold, discovered rich ores in Arizona (1583); Oñate¹⁰⁴, who in 1598 began the settlement of New Mexico; Alonso de León, who (1688) penetrated Texas to prevent French occupation of that territory and founded a colony. *Conquistadores* explored California thoroughly, seeking a passage to the Atlantic.

No plungers into unknown oceans ever surpassed in daring and intrepidity the *conquistadores*. Their explorations, generally well detailed in diaries and official reports, made known to the civilized world the fauna, flora, aboriginal tribes and geography of much of America. Through their indomitability Spanish architecture, land laws, language, folklore and technique in ranching, mining and irrigation remain indelibly stamped on the great Southwest. Their horses gave the Plains Indians a new culture that was conveyed to the Anglo-Americans who rode these Indians down. The *conquistadores* hunted for gold, impressed Indians to work in mines and set up the peon system; at the same time they introduced Christianity among the indigenes and then by cross-breeding with them developed a race—the Mexicans—that in the end conquered the conquerors.

[C. E. Chapman, *Colonial Hispanic America*; H. E. Bolton, *Spanish Exploration in the Southwest*; C. F. Lummis, *Flowers of Our Lost Romance*.]

J. FRANK DOBIE

Conscience Whigs, so-called, especially in Massachusetts, because of their vigorous opposition to slavery¹⁰⁵, placed loyalty to their principles higher than loyalty to party and determined to

resist at all hazards the further extension of slave territory. The faction favored the adoption of the Wilmot Proviso¹⁰⁶ in 1846; and, when the 1848 Whig National Convention (*see* Campaign of 1848) refused to endorse it, they bolted and joined the Free Soil party¹⁰⁷. The conservatives, or Old Line Whigs, opponents of the Proviso, were called Cotton Whigs, since on slavery they stood for peace at any price for the sake of the cotton trade. Again, the terms Woolly Heads, Amalgamationists, were applied to the antislavery group; Snuff-takers to the conservatives; the Fillmore faction were Silver Grays¹⁰⁸ because of the silver gray hair of Francis Granger who led the bolt in the Syracuse Convention (1850) following the endorsement of William H. Seward and the adoption of antislavery resolutions.

[C. F. Adams, *Charles Francis Adams*.]

W. B. HATCHER

Conscientious Objectors are persons who passively resist the effort of a social group, such as the state, to compel them to do something which would violate their conscientious scruples. The term is most commonly applied to persons opposed to participation in all wars. Until the World War practically all conscientious objectors were members of such sects as the Quaker, Mennonite, Dunkard and Schwenkfelder¹⁰⁹ whose tenets forbade such participation; but in the World War there also appeared in small numbers objectors belonging to none of the noncombatant sects.

Although the conscientious objector was, in different wars, confused with the Tory, Copperhead¹¹⁰, and pro-German, he was none of these. His position was unique. He might be strongly sympathetic with the avowed aims of one belligerent, yet be convinced that a worthy end could never be justifiably attained by, to him, immoral means.

During the Revolution conscientious objectors were usually exempt from militia service upon furnishing a substitute, paying a fine ranging from several shillings to £1000, or paying double or triple taxes. Pennsylvania Quakers who refused to pay such fines and war taxes had property distrained to the value of £87,650; but few imprisonments resulted. Imprisonment occurred more frequently from their refusal to swear allegiance to the new state governments, although they were usually treated more leniently than the nonjuring Tories. Public officials were almost always courteous and humane.

Since no national conscription law was enacted during the War of 1812 or the Mexican War, the problem of conscientious objection did not

again arise until the Civil War⁹⁹. Then in the North most noncombatant sectarians gained exemption from military service by paying a \$300 commutation fee (*see* Substitutes, Civil War). But as many Quakers could not conscientiously pay such a fine, Secretary Stanton, with exceptional kindness, ordered that they should be paroled "until called for." Within the Confederacy the lot of the objector was more difficult. A \$500 commutation fee offered escape to those "free" or able to pay it. Others had to suffer for their scruples, often severe physical pain.

World War objectors were afforded no alternative by the law but to accept noncombatant service within the military establishment (*see* Draft). Of the 4000 conscientious objectors only one third considered that acceptable. Later another third was furloughed for work under civilian control, usually on farms. Of the remaining third 450 were sent to military prison with sentences averaging sixteen years. Both there and in camp some were subjected to downright brutalities. At all times public opinion was more hostile toward them than were the high civil and military authorities.

[N. Thomas, *The Conscientious Objector in America*; E. N. Wright, *Conscientious Objectors in the Civil War*; R. H. Seibert, *The Treatment of Conscientious Objectors in War Time, 1775-1920*, an unpublished doctoral dissertation at The Ohio State University.]

RUSSELL H. SEIBERT

Conscription. The right of the state and the duty of the citizen in regard to military conscription were accepted as fundamental law in the colonies. All the thirteen original states, and Vermont, followed this in practice in pre-Revolutionary days. Nine states made constitutional reference to it. It was a local obligation individually due to the states. The Federal Government, needing troops to repel invasion or suppress insurrection, was to call upon states for quotas, either from unorganized citizen militia power or from their volunteer "uniformed" militia. Such calls were actually made in the event of the Whiskey Rebellion⁹⁹ in 1794, to defend Washington in 1814 and in many other instances. These were state forces raised "for the common defense" by state officials and through state authority, and to be distinguished from the national volunteers raised for the Mexican War, the opening months of the Civil War, and the Spanish-American War⁹⁹.

Both the volunteer method and the militia system were inappropriate for major crises for which they failed to provide the competent troops seriously needed. It became desirable therefore for the Federal Government itself to

conscript individuals in their other status as citizens of the United States. During the Civil War militia called by presidential proclamation, volunteers raised by act of July 22, 1861, and militia by act of July 29, 1861, were insufficient to crush armed rebellion. The Confederacy, after Shiloh, facing the Army of the Potomac organizing for the Peninsular campaign⁹⁹, had established conscription by act of April 16, 1862, thus, in spite of Southern state sovereignty⁹⁹ theories, placing conscripting power in the hands of the central government (*see* Confederacy, Conscription in the). Similarly, after Antietam and Fredericksburg⁹⁹ the Federal Congress likewise adopted conscription, by act of March 3, 1863, establishing the Draft⁹⁹, and raised men directly by Federal authority and control.

When the United States entered the World War in 1917, it was apparent that ordinary methods would not serve to raise the requisite millions. Industrial dislocation had followed irresponsible volunteering for the Mexican Border in 1916 (*see* Mexico, Punitive Expedition into). Warned by two years of public discussion, the United States adopted by act of May 18, 1917, not only universal service but the selective principle: able-bodied men for war, skilled and essential producers for home industry.

In both 1863 and 1917 exemptions from combatant service were granted conscientious religious objectors⁹⁹, not as a constitutional right, but as policy, by grace of Congress.

In 1814 Monroe proposed conscription to repulse English invasions; objection was raised on grounds of individual liberty, but the war closed before Congress acted. Similar objections arose in 1863 and 1917, complicated by political agitation, but were overwhelmed by public opinion, and in 1918 by legal decisions. Compulsion under paramount needs is now an accepted principle. It includes the right of state governments to compel preparatory peace-time training in land-grant colleges⁹⁹ established under the act of July 2, 1862, to develop competent leaders for state militia. By the Federal Government, compulsion has been exercised only in grave emergency under obvious necessity.

[*Arver v. United States*, 245 U. S. 366; *Hamilton v. Regents*, 293 U. S. 245; O. L. Spaulding, *The United States Army in War and Peace*.]

ELBRIDGE COLBY

Conservation Movement. THE, was an outgrowth of agitation for the preservation of natural resources in the closing years of the 19th century. As early as 1900 Congress enacted a law authorizing the President to withdraw temporarily, and reserve from settlement and sale

and to reserve as Government property, coal and other mineral resources beneath the surface. In 1902 the Newlands Reclamation Act⁹⁰ was passed, providing for the building of irrigation⁹¹ projects by the Federal Government. This act was designed not only to bring arid lands under cultivation but to provide the greatest beneficial use of water. In 1905 Theodore Roosevelt transferred the Bureau of Forestry to the Department of Agriculture from the Interior Department. In 1906 Congress took the first step toward controlling water power by providing that all plans and specifications for dams on navigable rivers must be approved by the War Department.

In February, 1907, Roosevelt recommended "the conservation of our natural resources" and appointed the Inland Waterways Commission⁹² to investigate and recommend a comprehensive plan for the development and utilization of water resources. In May, 1908, he called a conference of governors at the White House. This was followed by the appointment of a National Conservation Commission, headed by Gifford Pinchot. This commission made a preliminary inventory of the natural resources and, shortly, conservation became an organized movement. With the backing of public sentiment, Roosevelt evolved the concept of "stewardship" of the public lands by the President, and Secretary of the Interior Garfield, under what he called "supervisory" powers, withdrew 3,500,000 acres from the public domain⁹³.

President Taft was committed to the idea of conservation but believed each executive action should be preceded or accompanied by congressional sanction. Because of the relationship of his Secretary of the Interior, Richard A. Ballinger, to the Guggenheim interests, a controversy between the ardent conservationists and those believing in conservation by legal sanction arose. The conservationists led by Gifford Pinchot, chief of the Forestry Bureau, Department of Agriculture, attacked the administration of the Interior Department, under Ballinger. Pinchot was dismissed and both the Bureau of Forestry and the Interior Department were subjected to a congressional investigation. Particularly, both sides seem to have been right. The administration of public lands by Ballinger was not above suspicion but neither were the extralegal tactics of the conservationists condoned.

The conservation movement of the Progressive era had developed as a gospel instead of a science. The forestry crusade was a call to defense without sound foundation and not until the "Capper Report" of 1920 and the re-

port of President Hoover's Timber Conservation Board was forestry given a sound basis. Likewise the conservation of water, which had led the Government to start twenty-seven irrigation projects during the administrations of Theodore Roosevelt, began, in the 1920's, to be analyzed in terms of cost and economic evaluation. Power sites began to be allotted on sounder principles under the control of the Federal Power Commission⁹⁴, created in 1920. Thus conservation, in the 1920's, began to change from a crusade to a scientific study of an economic problem.

[C. H. Van Hise, *The Conservation of Natural Resources in the United States*; Gifford Pinchot, *The Conservation of Natural Resources* and *The Fight for Conservation*.]

JOHN T. GANOE

Consolato del Mare Principle. This is a principle taken from a code of sea law by that name in the early Middle Ages. One of the principles of that code, the one now commonly known as the *Consolato del Mare*, was that a belligerent state has a right to take enemy property, even noncontraband, from a neutral ship, thus preventing the enemy from wasting the superior naval power of his adversary by shipping his property on a neutral ship. The United States has traditionally opposed the principle of the *Consolato del Mare* by the opposite dictum of free ships, free goods⁹⁵.

[Samuel Flagg Bemis, *Diplomatic History of the United States*.]

SAMUEL FLAGG BEMIS

Consortiums in China. The original four-Power consortium—the United States, Great Britain, France, Germany—was organized to handle the so-called Hukuang railroad loan and also a proposed currency loan to the Chinese government. The arrangements completed in 1911 were upset by the revolutionary movement which led to the creation of the Chinese Republic, but a six-Power consortium, with the inclusion of Russia and Japan, was formed almost immediately to extend a reorganization loan to the new government. Upon President Wilson's refusal to continue official support, the American bankers withdrew in 1913. In somewhat different form, a new consortium—the United States, Great Britain, France, Japan—was organized in 1918–20, but the Chinese government refused to deal with it for fear of the possible imposition of international control of Chinese finances.

[Frederick V. Field, *American Part in the China Consortiums*.]

FOSTER RHEA DULLES

Conspiracies Acts of 1861 and 1862, THE, attempted to suppress antiwar activities in the North during the Civil War. One statute (July 31, 1861) provided fine and imprisonment for those who conspired by threats, intimidation or force to obstruct or "overthrow" the Government. The act of July 17, 1862, identified antiwar activity as treason^o, and softened the death penalty for treason to the alternative of death or imprisonment and fine. Prosecutions under these acts, however, were less effective than arbitrary arrests^o and confiscations^o.

[J. G. Randall, *Constitutional Problems under Lincoln*.]

MARTIN P. CLAUSSEN

Constellation-Insurgente Action, THE (Feb. 9, 1799). Near Nevis Island, West Indies, during naval hostilities with France, Commodore Thomas Truxtun in the frigate *Constellation* defeated the French frigate *Insurgente* in a sharp engagement. The *Insurgente* lost twenty-nine killed and forty-one wounded, compared with three men wounded in the *Constellation*. Despite a gale which separated the two ships, the prize with 173 prisoners aboard was brought safely into St. Kitt's three days later by Lt. John Rodgers, Midshipman David Porter, and a prize crew of only eleven men. In this and in the subsequent *Constellation-Vengeance* action^o, Truxtun not only gave vigorous backing to his government's policy of commerce protection, but set high standards for the new national navy.

[G. W. Allen, *Our Naval War with France*.]

ALLAN WESTCOTT

Constellation-Vengeance Fight (Feb. 1-2, 1800) occurred during the naval war with France^o. The U. S. S. *Constellation*, heading for Guadeloupe, sighted the French frigate *Vengeance*. Capt. Truxtun of the *Constellation* ordered his men to aim at the hull of the enemy ship. Contrariwise, the French commander fired repeatedly into the American ship's rigging in order to prevent being chased. The battle lasted five hours and the French suffered about four times the losses of the Americans. When the *Constellation's* mainmast fell, the French escaped in the darkness.

[G. W. Allen, *Our Naval War with France*.]

ARTHUR R. BLESSING

Constitution, Fort, was erected in 1775 on Martelaer's Rock (Martyr's Reach), now known as Constitution Island, in the Hudson River opposite West Point. Some forty guns and mortars were mounted, and a log boom was stretched across the channel. Early in 1776 defensive ef-

forts were transferred to Forts Montgomery and Clinton^o. When Sir Henry Clinton's force stormed these lower forts, Constitution Fort was abandoned (see Highlands, The, 1777-81). After Clinton's withdrawal, Washington issued orders for a new defense system, based on West Point^o, which included part of the old works of Constitution Fort restored as redoubts. (See also Hudson River Chain.)

[J. R. Simms, *Frontiersmen of New York*, Vol. I.]

HERMAN BEUKEMA

Constitution, Ratification of the. The Constitution was adopted by the Convention of 1787^o on Sept. 17. On the same day the Convention adopted a resolution that the Constitution be laid before the Continental Congress^o of the United States with the suggestion that in the opinion of the Convention the document should be submitted to a convention of delegates in each state for their assent and ratification, said convention to be called by the recommendation of the state legislature. Article VII of the new Constitution provided that "the ratification of the Conventions of nine States, shall be sufficient for the Establishment of this Constitution between the States so ratifying the Same." According to the Articles of Confederation^o, still in force, any amendments to them and changes in the existing form of national government could only become valid by the unanimous consent of all the states. This action of the Convention, in requiring ratification by only nine of the thirteen states, was therefore revolutionary from the standpoint of the constitutional provisions of the time. Also on the same day, Sept. 17, George Washington, as President of the Convention, wrote a letter to the President of Congress transmitting the document. The Continental Congress acted promptly and on Sept. 28 following unanimously passed a resolution that the Constitution and documents accompanying it be submitted to the legislatures of the several states in order that the Constitution be likewise submitted to a convention of delegates chosen in each state by the people thereof.

The first state to ratify was Delaware on Dec. 7, 1787, by the unanimous vote of the convention called for that purpose. This little state was anxious to preserve its independence from Pennsylvania, with which state it had been joined in administration before the Revolution. Delaware was followed by Pennsylvania by a two-to-one vote of its convention on Dec. 12, and New Jersey by unanimous vote on Dec. 18 of the same year. Georgia was the next in order with a unanimous vote of its convention on Jan. 2, 1788,

and Connecticut followed on Jan. 9, by more than a three-to-one vote.

Following these five, the action was slower and in several states ratification was secured only after a protracted struggle. Massachusetts ratified on Feb. 6 by the close vote of 187 to 168, and was followed by Maryland by a good majority on April 28 and South Carolina by a like overwhelming vote on May 23. New Hampshire ratified June 21 by a vote of 57 to 46. This made up the number of nine states necessary to cause the Constitution to go into effect according to the action of the Federal Convention.

Virginia ratified on June 26 by the vote of 89 yeas to 79 nays, and New York on July 26 after a desperate struggle in her state convention at Poughkeepsie. Due to the remarkable eloquence and leadership of Alexander Hamilton, what was at first an adverse majority was turned into the favorable vote of 30 yeas to 27 nays.

Only these eleven states had ratified the Constitution when the new Government went into effect on March 4, 1789, and George Washington was inaugurated first President on April 30. North Carolina ratified on Nov. 21, and Rhode Island finally on May 29, 1790, by the very close vote of 34 to 32. Three other states, newly formed, in addition to the original thirteen, ratified the Constitution during the administration of Washington. They were: Vermont, on March 4, 1791; Kentucky, on June 1, 1792; Tennessee, on June 1, 1796. The other states followed in succession as they were settled and created by act of Congress during more than a century following, until their number reached forty-eight by the admission of New Mexico on Jan. 6, 1912, and Arizona on Feb. 14, 1912.

[Gaillard Hunt and James B. Scott, *Debates in the Federal Convention of 1787*; Max Farrand, *The Records of the Federal Convention*.]

WILLIAM STARR MYERS

Constitution, THE, was authorized by Congress, March 27, 1794. She was designed by Joshua Humphreys, built in Edmund Hartt's shipyard, Boston, and was launched Oct. 21, 1797. In the Naval War with France⁹⁹, she served as Commodore Silas Talbot's flagship, and as the flagship of Commodore Edward Preble in the War with Tripoli⁹⁹, participating in five different attacks on Tripoli, July 25 to Sept. 4, 1804. She was victorious in several notable single-ship engagements in the War of 1812⁹⁹. During the fight with the *Guerrière* (see *Constitution* and *Guerrière*; *Constitution* and *Java*), a seaman gave her the nickname "Old Ironsides," when, seeing a shot rebound from her hull, he shouted,

"Huzza, her sides are made of iron." Ordered broken up in 1830 by the Navy Department, she was retained in deference to public opinion aroused by Oliver Wendell Holmes' poem "Old Ironsides." She was rebuilt in 1833, served as a Naval Academy schoolship, 1860 to 1865, was partially rebuilt in 1876, and, except for one cruise, has been docked at Boston since 1897.

[I. N. Hollis, *The Frigate Constitution*.]

LOUIS H. BOLANDER

Constitution, The British, denotes the principles and practices involved in government by King, Lords and Commons. It is not set forth in a single document like the Constitution of the United States, but consists partly of basic statutes, of which Magna Carta⁹⁹ (1215) is one of the earliest examples, and partly of customs and common-law principles formerly thought of as embodying "natural" rights⁹⁹. The House of Lords grew out of the group of notables associated with the king from time immemorial. The House of Commons resulted from the adoption of a system of representation of shires and boroughs dating from the 13th century. In the course of the following centuries Parliament's growth made it the rival of the royal power. By the Petition of Right (1628) it compelled Charles I to agree that he would not lay taxes without its consent. The struggle with Charles' successors culminated in the Revolution of 1688 by which Parliament reduced the kingly office to a position of subordinate significance. It signaled its triumph by passing the Bill of Rights (1689). The act enumerated liberties (such as the right of trial by jury) regarded as fundamental and forbade the king to violate them. From this time we may trace the rise of the cabinet, which in the course of the 18th century became the executive of the will of Parliament, in which the Commons became the preponderating factor.

Soon after the Revolution of 1688 John Locke formulated the political philosophy of the Parliamentary party. His theory made rulers responsible to the people and limited their powers by the principles of the natural law and the social compact⁹⁹. Most Americans accepted this philosophy as a correct exposition of the British constitution, and claimed for themselves all the rights of Englishmen⁹⁹. But by the middle of the 18th century Parliament cast it aside and claimed unlimited legislative power. The Americans resented acts applying to them, especially when they involved taxation without representation⁹⁹, as violations of the constitution, and the irreconcilability of the two interpretations

led to the separation of the colonies from the parent nation.

[G. B. Adams, *The Constitutional History of England*, revised edition edited by Robert L. Schuyler, C. Stephenson and F. G. Marcham, *Sources of English Constitutional History*.]

HOMER C. HOCKETT

Constitution and Guerrière Engagement (Aug. 19, 1812). The capture of the British frigate *Guerrière*, of 49 guns, by the *Constitution*^m, Capt. Isaac Hull, of 55 guns, mostly long 42-pounders, was the first important naval victory of the War of 1812^m, and did much to win enthusiasm for the war from New Englanders. It took place 750 miles east of Boston while Hull was watching for British merchantmen on their usual course between Halifax and Bermuda. Running before the wind, Hull finally came to within range on the *Guerrière's* port side, and gave her a staggering broadside which carried away her main yard. A 24-pound shot then struck her mizzenmast, broke it, and sent it crashing over the starboard side. The falling mast knocked a hole in the stern and threw the ship's head to leeward away from the *Constitution*.

Hull immediately took advantage of the situation by securing a raking position and pouring in two broadsides which swept the decks of the *Guerrière* and penetrated her sides. Capt. Dacres, of the *Guerrière*, tried to board, and ran his bowsprit into the shrouds of the *Constitution*, but the loss of his headsails and mizzenmast made it impossible for him to maneuver his ship. During this period marksmen in the tops wounded or killed several officers on each ship.

As the two ships separated, the *Guerrière's* bowsprit, scraping along the taffrail of her opponent, weakened the forestay on the Britisher and caused the foremast to fall. This in turn fell upon the principal support of the mainmast and brought the latter down also. Thus in thirty minutes of close action the *Guerrière* had been

totally dismantled. With a high sea running and the gunports rolling under water, Dacres could do nothing but surrender. The next day Hull was obliged to burn the *Guerrière* and return to Boston without his prize.

The British lost twenty-three killed and fifty-six wounded, including Capt. Dacres; the American loss was only seven killed and seven wounded. Although the *Constitution* was nearly 50% superior in all features such as size, sail area, weight of broadside, and accuracy of fire, it was Hull's superior seamanship which made these factors count. To the British the superiority of the new American type of frigate was the most important lesson.

[A. T. Mahan, *Sea Power in Its Relations to the War of 1812*.]

WALTER B. NORRIS

Constitution and Java Engagement (Dec. 19, 1812). While cruising off South America, Commodore Bainbridge in the U. S. S. *Constitution*^m sighted the British *Java*. The ships engaged in general action but the *Java's* rigging soon became disabled. After a battle of about two hours, the British ship surrendered. Her losses were nearly five times those of the American's and included her commander, Capt. Lambert.

[F. S. Hill, *Twenty-six Historic Ships*.]

ARTHUR R. BLESSING

Constitution Captures Cyane and Levant (1815). On Feb. 20, 1815, the *Constitution*^m, commanded by Capt. Charles Stewart, engaged the British frigate *Cyane* and sloop of war *Levant* 200 miles northeast of Madeira. Stewart maneuvered so skillfully that he raked both ships and forced the *Cyane* to surrender after 45 minutes of fighting. He then pursued and captured the *Levant*. The *Cyane* was taken safely as a prize to the United States, but the *Levant* was recaptured by the British.

[A. T. Mahan, *Sea Power in Its Relations to the War of 1812*.]

CHARLES LEE LEWIS

Constitution of the United States. TEXT. (See also Articles of Confederation; Confederation, The; Annapolis Convention, Convention of 1787.)

WE THE PEOPLE OF THE UNITED STATES, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

ARTICLE I.

Section 1. All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

See "We the People"; Sovereignty; Liberty.

See Congress; Delegation of Powers.

Section 2. The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

No Person shall be a Representative who shall not have attained to the age of twenty five Years, and been seven Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State in which he shall be chosen.

Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and excluding Indians not taxed, three fifths of all other Persons. The actual Enumeration shall be made within three Years after the first Meeting of the Congress of the United States, and within every subsequent Term of ten Years, in such Manner as they shall by Law direct The Number of Representatives shall not exceed one for every thirty Thousand, but each State shall have at Least one Representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to chuse three, Massachusetts eight, Rhode-Island and Providence Plantations one, Connecticut five, New-York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

When vacancies happen in the Representation from any State, the Executive Authority thereof shall issue Writs of Election to fill such Vacancies.

The House of Representatives shall chuse their Speaker and other Officers; and shall have the sole Power of Impeachment.

Section 3. The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six Years; and each Senator shall have one Vote.

Immediately after they shall be assembled in Consequence of the first Election, they shall be divided as equally as may be into three Classes. The Seats of the Senators of the first Class shall be vacated at the Expiration of the second Year, of the second Class at the Expiration of the fourth Year, and of the third Class at the Expiration of the sixth Year, so that one third may be chosen every second Year; and if Vacancies happen by Resignation, or otherwise. during the Recess of the Legislature of any State, the Executive thereof may make temporary Appointments until the next Meeting of the Legislature, which shall then fill such Vacancies.

No Person shall be a Senator who shall not have attained to the Age of thirty Years, and been nine Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State for which he shall be chosen.

The Vice President of the United States shall be President of the Senate, but shall have no Vote, unless they be equally divided.

The Senate shall chuse their other Officers, and also a President pro tempore, in the Absence of the Vice President, or when he shall exercise the Office of President of the United States.

The Senate shall have the sole Power to try all Impeachments. When sitting for that Purpose, they shall be on Oath or Affirmation. When the President of the United States is tried, the Chief

See Franchise, The; Representation; Representative Government.

See Apportionment, Constitutional.

See Compromises of the Federal Constitution.

See Speaker of the House of Representatives.

See Vice-Presidency.

See Impeachment; Impeachment Trial of Andrew Johnson; Chase Impeachment Trial.

Justice shall preside: And no Person shall be convicted without the Concurrence of two thirds of the Members present.

Judgment in Cases of Impeachment shall not extend further than to removal from Office, and disqualification to hold and enjoy any Office of honor, Trust or Profit under the United States; but the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment and Punishment, according to Law.

Section 4. The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of choosing Senators.

The Congress shall assemble at least once in every Year, and such Meeting shall be on the first Monday in December, unless they shall by Law appoint a different Day.

Section 5. Each House shall be the Judge of the Elections, Returns and Qualifications of its own Members, and a Majority of each shall constitute a Quorum to do Business; but a smaller Number may adjourn from day to day, and may be authorized to compel the Attendance of absent Members, in such Manner, and under such Penalties as each House may provide.

Each House may determine the Rules of its Proceedings, punish its Members for disorderly Behaviour, and, with the Concurrence of two thirds, expel a Member.

Each House shall keep a Journal of its Proceedings, and from time to time publish the same, excepting such Parts as may in their Judgment require Secrecy; and the Yeas and Nays of the Members of either House on any question shall, at the Desire of one fifth of those Present, be entered on the Journal.

Neither House, during the Session of Congress, shall, without the Consent of the other, adjourn for more than three days, nor to any other Place than that in which the two Houses shall be sitting.

Section 6. The Senators and Representatives shall receive a Compensation for their Services, to be ascertained by Law, and paid out of the Treasury of the United States. They shall in all Cases, except Treason, Felony and Breach of the Peace, be privileged from Arrest during their Attendance at the Session of their respective Houses, and in going to and returning from the same; and for any Speech or Debate in either House, they shall not be questioned in any other Place.

No Senator or Representative shall, during the Time for which he was elected, be appointed to any civil Office under the Authority of the United States, which shall have been created, or the Emoluments whereof shall have been encreased during such time; and no Person holding any Office under the United States, shall be a Member of either House during his Continuance in Office.

Section 7. All Bills for raising Revenue shall originate in the House of Representatives; but the Senate may propose or concur with Amendments as on other Bills.

Every Bill which shall have passed the House of Representatives and the Senate, shall, before it become a Law, be presented to the President of the United States; If he approve he shall sign it, but if not he shall return it, with his Objections to that House in which it shall have originated, who shall enter the Objections at large on their Journal, and proceed to reconsider it. If after such Reconsideration two thirds of that House shall agree to pass the

See Elections; Senators, Election of; Seventeenth Amendment.

See Lorimer Case; Vare Case.

See Rules of the House.

See Journal of Congress; Congressional Record.

See Revenue, The Public.

See Veto Power.

Bill, it shall be sent, together with the Objections, to the other House, by which it shall likewise be reconsidered, and if approved by two thirds of that House, it shall become a Law. But in all such Cases the Votes of both Houses shall be determined by yeas and Nays, and the Names of the Persons voting for and against the Bill shall be entered on the Journal of each House respectively. If any Bill shall not be returned by the President within ten Days (Sundays excepted) after it shall have been presented to him, the Same shall be a Law, in like Manner as if he had signed it, unless the Congress by their Adjournment prevent its Return, in which Case it shall not be a Law.

Every Order, Resolution, or Vote to which the Concurrence of the Senate and House of Representatives may be necessary (except on a question of Adjournment) shall be presented to the President of the United States; and before the Same shall take Effect, shall be approved by him, or being disapproved by him, shall be re-passed by two thirds of the Senate and House of Representatives, according to the Rules and Limitations prescribed in the Case of a Bill.

Section 8. The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States, but all Duties, Imposts and Excises shall be uniform throughout the United States;

To borrow Money on the credit of the United States;

To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes;

To establish an uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States;

To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures;

To provide for the Punishment of counterfeiting the Securities and current Coin of the United States;

To establish Post Offices and post Roads;

To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries;

To constitute Tribunals inferior to the supreme Court;

To define and punish Piracies and Felonies committed on the high Seas, and Offences against the Law of Nations;

To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water;

To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years;

To provide and maintain a Navy;

To make Rules for the Government and Regulation of the land and naval Forces;

See Pocket Veto.

See Resolutions, Legislative.

See Taxation; Customs Administration; Customs Revenues; Tariff; Internal Revenue; Defense, National; General Welfare Clause.

See Debt, Public; Public Faith.

See Trade, Foreign; Commerce Clause; Factory System, Indian; Indian Intercourse Act. *See* Naturalization; Bankruptcy Laws.

See Coinage; Coinage, Subsidiary; Coins; Currency, Money.

See Counterfeiting.

See Postal Service; Postal Power; Post Roads.

See Copyright; Copyright Legislation; Patent Office; Patents, Trade-marks.

See Judiciary.

See Pirates and Piracy; International Law.

See War, Declaration of; Marque and Reprisal, Letters of; Admiralty Law and Courts; Prize Courts.

See Army, The United States; War and the Constitution.

See Navy of the United States.

To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions;

To provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress;

To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings;—And

To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

Section 9. The Migration or Importation of such Persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the Year one thousand eight hundred and eight, but a Tax or duty may be imposed on such Importation, not exceeding ten dollars for each Person.

The Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.

No Bill of Attainder or ex post facto Law shall be passed.

No Capitation, or other direct, Tax shall be laid, unless in Proportion to the Census or Enumeration herein before directed to be taken.

No Tax or Duty shall be laid on Articles exported from any State.

No Preference shall be given by any Regulation of Commerce or Revenue to the Ports of one State over those of another: nor shall Vessels bound to, or from, one State, be obliged to enter, clear or pay Duties in another.

No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.

No Title of Nobility shall be granted by the United States: And no Person holding any Office of Profit or Trust under them, shall, without the Consent of the Congress, accept of any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince, or foreign State.

Section 10. No State shall enter into any Treaty, Alliance, or Confederation; grant Letters of Marque and Reprisal; coin Money; emit Bills of Credit; make any Thing but gold and silver Coin a Tender in Payment of Debts; pass any Bill of Attainder, ex post

See Militia.

See District of Columbia; Arsenals; Docks; Navy Yards; Munitions, Army Posts, Military Academy, United States; Naval Academy, United States.

See Implied Powers; McCulloch v. Maryland.

See Slave Trade.

See Habeas Corpus; Merryman Case.

See Attainder; Garland Case; Cummings v. Missouri; Test Oath Cases.

See Income Tax Cases; Sixteenth Amendment.

See Expenditures, Federal.

See Nobility, Titles of.

See Confederate Debt; Repudiation of Public Debt; Bills of Credit; Legal Tender.

facto Law, or Law impairing the Obligation of Contracts, or grant any Title of Nobility.

See Contract Clause; Fletcher v. Peck; Dartmouth College v. Woodward.

No State shall, without the Consent of the Congress, lay any Imposts or Duties on Imports or Exports, except what may be absolutely necessary for executing its inspection Laws: and the net Produce of all Duties and Imposts, laid by any State on Imports or Exports, shall be for the Use of the Treasury of the United States; and all such Laws shall be subject to the Revision and Controul of the Congress.

See Export Taxes; Interstate Barriers.

No State shall, without the Consent of Congress, lay any Duty of Tonnage, keep Troops, or Ships of War in time of Peace, enter into any Agreement or Compact with another State, or with a foreign Power, or engage in War, unless actually invaded, or in such imminent Danger as will not admit of delay.

See Militia; National Guard; Interstate Compacts.

ARTICLE II.

Section 1. The executive Power shall be vested in a President of the United States of America. He shall hold his Office during the Term of four Years, and, together with the Vice President, chosen for the same Term, be elected, as follows

See President, The; Powers, Separation of.

Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress: but no Senator or Representative, or Person holding an Office of Trust or Profit under the United States, shall be appointed an Elector.

See Election of the President; Electoral College.

The Electors shall meet in their respective States, and vote by Ballot for two Persons, of whom one at least shall not be an Inhabitant of the same State with themselves. And they shall make a List of all the Persons voted for, and of the Number of Votes for each; which List they shall sign and certify, and transmit sealed to the Seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the Presence of the Senate and House of Representatives, open all the Certificates, and the Votes shall then be counted. The Person having the greatest Number of Votes shall be the President, if such Number be a Majority of the whole Number of Electors appointed; and if there be more than one who have such Majority, and have an equal Number of Votes, then the House of Representatives shall immediately chuse by Ballot one of them for President; and if no Person have a Majority, then from the five highest on the List the said House shall in like Manner chuse the President. But in chusing the President, the Votes shall be taken by States, the Representation from each State having one Vote; A quorum for this Purpose shall consist of a Member or Members from two thirds of the States, and a Majority of all the States shall be necessary to a Choice. In every Case, after the Choice of the President, the Person having the greatest Number of Votes of the Electors shall be the Vice President. But if there should remain two or more who have equal Votes, the Senate shall chuse from them by Ballot the Vice President.

See Twelfth Amendment; Jefferson-Burr Election Dispute.

See Vice-Presidency

The Congress may determine the Time of chusing the Electors,

and the Day on which they shall give their Votes; which Day shall be the same throughout the United States.

No Person except a natural born Citizen, or a Citizen of the United States, at the time of the Adoption of this Constitution, shall be eligible to the Office of President; neither shall any Person be eligible to that Office who shall not have attained to the Age of thirty five Years, and been fourteen Years a Resident within the United States.

In Case of the Removal of the President from Office, or of his Death, Resignation, or Inability to discharge the Powers and Duties of the said Office, the Same shall devolve on the Vice President, and the Congress may by Law provide for the Case of Removal, Death, Resignation or Inability, both of the President and Vice President, declaring what Officer shall then act as President, and such Officer shall act accordingly, until the Disability be removed, or a President shall be elected.

The President shall, at stated Times, receive for his Services, a Compensation, which shall neither be encreased nor diminished during the Period for which he shall have been elected, and he shall not receive within that Period any other Emolument from the United States, or any of them.

Before he enter on the Execution of his Office, he shall take the following Oath or Affirmation:—"I do solemnly swear (or affirm) that I will faithfully execute the Office of President of the United States, and will to the best of my Ability, preserve, protect and defend the Constitution of the United States."

Section 2. The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States; he may require the Opinion, in writing, of the principal Officer in each of the executive Departments, upon any Subject relating to the Duties of their respective Offices, and he shall have Power to grant Reprieves and Pardons for Offences against the United States, except in Cases of Impeachment.

He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur; and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law: but the Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments.

The President shall have Power to fill up all Vacancies that may happen during the Recess of the Senate, by granting Commissions which shall expire at the End of their next Session.

Section 3. He shall from time to time give to the Congress Information of the State of the Union, and recommend to their Consideration such Measures as he shall judge necessary and expedient; he may, on extraordinary Occasions, convene both Houses, or either of them, and in Case of Disagreement between them, with Respect to the Time of Adjournment, he may adjourn them to such Time as he shall think proper; he shall receive Ambassadors and other public Ministers; he shall take Care that the Laws be faithfully executed, and shall Commission all the Officers of the United States.

See Presidency, Succession to.

See Commander in Chief.

See Cabinet, The.

See Treaties, Negotiation and Ratification of; Treaties with Foreign Nations; Appointments and the Appointing Power; Ambassadors; Foreign Service.

See President's Message; Extra Sessions.

Section 4. The President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors.

See Impeachment.

ARTICLE III.

Section 1. The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behaviour, and shall, at stated Times, receive for their Services, a Compensation, which shall not be diminished during their Continuance in Office.

See Supreme Court; Judiciary, The.

Section 2. The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority;—to all Cases affecting Ambassadors, other public Ministers and Consuls;—to all Cases of admiralty and maritime Jurisdiction;—to Controversies to which the United States shall be a Party;—to Controversies between two or more States;—between a State and Citizens of another State,—between Citizens of different States;—between Citizens of the same State claiming Lands under Grants of different States, and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects.

See Chisholm v. Georgia; Eleventh Amendment.

In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the supreme Court shall have original Jurisdiction. In all the other Cases before mentioned, the supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make.

The Trial of all Crimes, except in Cases of Impeachment, shall be by Jury; and such Trial shall be held in the State where the said Crimes shall have been committed; but when not committed within any State, the Trial shall be at such Place or Places as the Congress may by Law have directed.

See Jury Trial.

Section 3. Treason against the United States, shall consist only in levying War against them, or in adhering to their Enemies, giving them Aid and Comfort. No Person shall be convicted of Treason unless on the Testimony of two Witnesses to the same overt Act, or on Confession in open Court.

See Treason; Treason Trials.

The Congress shall have Power to declare the Punishment of Treason, but no Attainder of Treason shall work Corruption of Blood, or Forfeiture except during the Life of the Person attainted.

ARTICLE IV.

Section 1. Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State. And the Congress may by general Laws prescribe the Manner in which such Acts, Records and Proceedings shall be proved, and the Effect thereof.

See Federal-State Relations.

Section 2. The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States.

See Privileges and Immunities.

A Person charged in any State with Treason, Felony, or other Crime, who shall flee from Justice, and be found in another State, shall on Demand of the executive Authority of the State from

See Extradition.

which he fled, be delivered up, to be removed to the State having Jurisdiction of the Crime.

No Person held to Service or Labour in one State, under the Laws thereof, escaping into another, shall, in Consequence of any Law or Regulation therein, be discharged from such Service or Labour, but shall be delivered up on Claim of the Party to whom such Service or Labour may be due.

Section 3. New States may be admitted by the Congress into this Union; but no new States shall be formed or erected within the Jurisdiction of any other State; nor any State be formed by the Junction of two or more States, or Parts of States, without the Consent of the Legislatures of the States concerned as well as of the Congress.

The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States, and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.

Section 4. The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion; and on Application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic Violence.

ARTICLE V.

The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as Part of this Constitution, when ratified by the Legislatures of three fourths of the several States, or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress; Provided that no Amendment which may be made prior to the Year One thousand eight hundred and eight shall in any Manner affect the first and fourth Clauses in the Ninth Section of the first Article; and that no State, without its Consent, shall be deprived of it's equal Suffrage in the Senate.

ARTICLE VI.

All Debts contracted and Engagements entered into, before the Adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation.

This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution; but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States.

See Slavery; Fugitive Slave Acts.

See Territories of the United States; State-Making Process.

See Public Domain.

See Enabling Acts; State Constitutions; Martial Law; Military Aid to the Civil Power.

See Amendments to the Constitution.

See Assumption of, and Funding of, Revolutionary Debt.

See Dual Form of Government.

ARTICLE VII.

The Ratification of the Conventions of nine States, shall be sufficient for the Establishment of this Constitution between the States so ratifying the Same.

See Constitution, Ratification of the.

done in Convention by the Unanimous Consent of the States present the Seventeenth Day of September in the Year of our Lord one thousand seven hundred and Eighty seven and of the Independence of the United States of America the Twelfth

In witness whereof We have hereunto subscribed our Names,

G^o Washington—Presidt
and deputy from Virginia

| | | | | |
|---------------|--|----------------|--|--|
| New Hampshire | { John Langdon Nicholas Gilman | | | { Geo: Read Gunning Bedford jun |
| Massachusetts | { Nathaniel Gorham Rufus King | Delaware | | { John Dickinson Richard Bassett Jaco. Broom |
| Connecticut | { W ^m Sam ^l Johnson Roger Sherman | | | { James McHenry Dan of St ^t Tho ^s Jenifer Dan ^l Carroll |
| New York | Alexander Hamilton | Maryland | | { John Blair— James Madison Jr. |
| New Jersey | { W ^l : Livingston David Brearley. W ^m Paterson. Jona: Dayton | Virginia | | { W ^m Blount Rich ^d Dobbs Spaight. Hu Williamson |
| | { B Franklin Thomas Mifflin Robt Morris | North Carolina | | { J Rutledge Charles Cotesworth Pinckney Charles Pinckney Pierce Butler. |
| Pennsylvania | { Geo. Clymer Tho ^s FitzSimons Jared Ingersoll James Wilson Gouv Morris | South Carolina | | { William Few Abr Baldwin |
| | | Georgia | | |

Amendments to the Constitution of the United States.

See Constitution, Article V.

AMENDMENT I.

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

See Bill of Rights; Religious Liberty; Freedom of Speech; Freedom of the Press; Assembly, The Right of; Petition, The Right of.

AMENDMENT II.

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

See Bill of Rights; Militia.

AMENDMENT III.

No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.

See Bill of Rights; Billeting.

AMENDMENT IV.

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

See Bill of Rights; Unreasonable Searches and Seizures.

AMENDMENT V.

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

See Bill of Rights; Due Process Clauses; Eminent Domain.

AMENDMENT VI.

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence.

See Bill of Rights; Jury Trial.

AMENDMENT VII.

In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.

See Bill of Rights; Common Law; Jury Trial.

AMENDMENT VIII.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

See Bill of Rights; Punishments, Cruel and Unusual.

AMENDMENT IX.

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

See Bill of Rights; Enumerated Powers.

AMENDMENT X.

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

See Bill of Rights; Reserved Powers of States; Reserved Powers of the People; Federal-State Relations; State Government; States' Rights.

AMENDMENT XI.

The Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by Citizens of another State, or by Citizens or Subjects of any Foreign State.

See Eleventh Amendment; Chisholm v. Georgia; Repudiation of State Debts; Indiana Company, The.

AMENDMENT XII.

The Electors shall meet in their respective states and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate;—The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted;—The person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of Electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President.—The person having the greatest number of votes as Vice-President, shall be the Vice-President, if such number be a majority of the whole number of Electors appointed, and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

See Twelfth Amendment; Jefferson-Burr Election Dispute, Elections.

AMENDMENT XIII.

Section 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

Section 2. Congress shall have power to enforce this article by appropriate legislation.

See Thirteenth Amendment; Slavery; Negro, Judicial Protection of; Civil Rights Act; Peonage; Freedmen.

AMENDMENT XIV.

Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

See Fourteenth Amendment; Citizenship; Civil Rights Cases; "Jim Crow" Laws; Due Process Clauses; Slaughter House Cases; Granger Cases; Gold Clause Cases; Equal Protection of the Law; Force Acts.

Section 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

See Negro Suffrage; Literacy Test; Poll Tax.

Section 3. No person shall be a Senator or Representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

See Pardon and Amnesty.

Section 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

See Debt, Public; Pensions, Military and Naval, Bounties, Military, in the Civil War; Confederate Debt.

Section 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

AMENDMENT XV.

Section 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

See Fifteenth Amendment; Negro Suffrage; Reconstruction; Force Acts; Grandfather Clause.

Section 2. The Congress shall have power to enforce this article by appropriate legislation.

AMENDMENT XVI.

The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration.

See Sixteenth Amendment; Income Tax; Income Tax Cases; Pollock v. Farmers Loan and Trust Co.

AMENDMENT XVII.

The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

See Seventeenth Amendment; Senators, Election of.

When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies: *Provided*, That the legislature of

any State may empower the executive thereof to make temporary appointments until the people fill the vacancies by election as the legislature may direct.

This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as part of the Constitution.

AMENDMENT XVIII.

Section 1. After one year from the ratification of this article the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.

Section 2. The Congress and the several States shall have concurrent power to enforce this article by appropriate legislation

Section 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the States by the Congress.

See Eighteenth Amendment; Prohibition; Volstead Act.

AMENDMENT XIX.

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex.

Congress shall have power to enforce this article by appropriate legislation.

See Nineteenth Amendment; Woman Suffrage.

AMENDMENT XX.

Section 1. The terms of the President and Vice President shall end at noon on the 20th day of January, and the terms of Senators and Representatives at noon on the 3d day of January, of the years in which such terms would have ended if this article had not been ratified; and the terms of their successors shall then begin.

Section 2. The Congress shall assemble at least once in every year, and such meeting shall begin at noon on the 3d day of January, unless they shall by law appoint a different day.

Section 3. If, at the time fixed for the beginning of the term of the President, the President elect shall have died, the Vice President elect shall become President. If a President shall not have been chosen before the time fixed for the beginning of his term, or if the President elect shall have failed to qualify, then the Vice President elect shall act as President until a President shall have qualified; and the Congress may by law provide for the case wherein neither a President elect nor a Vice President elect shall have qualified, declaring who shall then act as President, or the manner in which one who is to act shall be selected, and such person shall act accordingly until a President or Vice President shall have qualified.

Section 4. The Congress may by law provide for the case of the death of any of the persons from whom the House of Representatives may choose a President whenever the right of choice shall have devolved upon them, and for the case of the death of any of the persons from whom the Senate may choose a Vice President whenever the right of choice shall have devolved upon them.

Section 5. Sections 1 and 2 shall take effect on the 15th day of October following the ratification of this article.

Section 6. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legisla-

See Lame Duck Amendment.

See Presidency, Succession to.

tures of three-fourths of the several States within seven years from the date of its submission.

AMENDMENT XXI.

Section 1. The eighteenth article of amendment to the Constitution of the United States is hereby repealed.

Section 2. The transportation or importation into any State, Territory, or possession of the United States for delivery or use therein of intoxicating liquors, in violation of the laws thereof, is hereby prohibited.

Section 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by conventions in the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the States by the Congress.

See Twenty-first Amendment; Prohibition.

Constitutional Convention, THE. See Convention of 1787, The.

Constitutional Union Party, THE. Late in 1859 old line Whigs and members of the American (Know-Nothing) party^{qv}, alarmed at excesses of partyism and sectionalism and fearing secession, began the formation of a new party under the leadership of Crittenden. Meeting in convention on May 9, 1860, in Baltimore they chose John Bell and Edward Everett as candidates. Affection for the Union was reflected in the meager platform which disregarded sectional issues and sought to rally moderate men to support "The Constitution, the Union and the Laws." Polling only 590,000 votes and carrying only Kentucky, Virginia and Tennessee, the party succeeded, nevertheless, in temporarily allaying disunion sentiment (see Campaign of 1860).

[J. F. Rhodes, *History of the United States since the Compromise of 1850.*]

ALLEN E. RAGAN

Constitutions, State. See State Constitutions.

Consular Convention (1782-89). Franklin signed a convention with Vergennes in 1782 which departed materially from Franklin's instructions from Congress. It contained the threat of extraterritoriality^{qv}. John Jay advised against ratification. Negotiations were resumed without wounding French susceptibilities and resulted in the more favorable convention which was ratified in 1789. This was the first treaty or convention ratified under the Constitution. It regulated the functions of consuls exchanged between France and the United States under the Franco-American Alliance of 1778^{qv}. It was abrogated in 1798 and replaced by provisions in the Convention of 1800^{qv}.

[S. F. Bemis, ed., *The American Secretaries of State.*]

CHARLES MARION THOMAS

Consular Service, THE. See Foreign Service of the United States, The.

Consumer Protection. As the volume of long-distance trade increased through cheaper transportation, post-office service and the growth of periodicals, the opportunities for swindling also increased. Many consumers were victimized through fraudulent advertising^{qv}. In 1872 a Federal law authorized the Postmaster General to forbid the use of the mails to persons operating fraudulent schemes. Soon afterwards, some periodicals refused to admit advertisers they considered dishonest or objectionable. In 1880 the *Farm Journal* announced that it would "make good to subscribers any loss sustained by trusting advertisers who prove to be deliberate swindlers." This example was followed by others.

In 1906 the Pure Food and Drugs Act^{qv} sought the elimination of dangerous products and more informative labeling. Subsequent amendments widened the scope of the law and provided minimum standards of quality for many canned foods and vegetables. In 1911 efforts to stamp out fraudulent advertising that was beyond the reach of this law were begun by advertising men. Since 1914 the Federal Trade Commission^{qv} has exercised increasing jurisdiction over fraudulent and unfair advertising.

Beginning in 1906 consumer protection was undertaken by private testing bureaus, maintained by magazines, newspapers, department stores and other commercial organizations. These set their seals of approval on products and claims that met their standards. A later type of private testing bureau, financed by subscriptions from consumers, offered ratings of various competitive products, on the basis of quality, price, validity of advertising claims and other factors. Some co-operative buying groups also had testing facilities. In 1933 consumers were

officially represented by an advisory board in National Industrial Recovery Administration²⁰; its work has been continued by other government agencies.

[Charles S. Wyand, *The Economics of Consumption*; Paul T. Cherington, *People's Wants and How to Satisfy Them*.]

G. B. HOTCHKISS

Consumer Purchasing Power. Goods and services are ultimately paid for with other goods and services. In other words, purchasing power really consists in goods and services. Money is only a labor-saving invention by means of which goods and services can be exchanged with less labor than would be necessary in a state of barter.

It is impossible to increase the purchasing power of a country by merely issuing more money. The reason is that the more dollars the Government issues the less purchasing each dollar will do. Each dollar will do less purchasing for one or both of two reasons. First, each dollar will slow down, change hands less frequently, and consequently make fewer purchases in a year. Second, each dollar will grow cheaper and purchase less every time it changes hands; consequently it will take a larger number of dollars to do a given amount of purchasing.

An illustration of the first point is found in the fact that there had never been so many dollars in circulation as during the depth of the depression which began in 1929. The trouble was that they were slowing down and each dollar was doing very little purchasing. An illustration of the second point is found in the fact that during the height of the post-war inflation in Germany, when German marks were numbered by the quintillion, there was less purchasing power in the form of money than there had been before inflation²¹ began. The reason was that each mark purchased so little. When it took 5000 marks to purchase a single sheet of note paper, five quintillion marks did not represent a great deal of purchasing power.

Since, as shown above, purchasing power consists in goods and services, it follows that consumer purchasing power depends mainly on consumer earning power. Earning power is the power to produce goods or to perform services for which others will exchange other goods or services. Those who have this kind of earning power will always have purchasing power. Moreover, the total consumer purchasing power of any country, unless it be a piratical country, must always equal its total consumer earning power. In other words, the purchasing power of the *average* consumer must always equal the

earning power of his labor or his capital. If some consumers possess purchasing power in excess of their earning power, some others must possess earning power in excess of their purchasing power. More of this later.

It follows from what has been said that the only effective way to increase the total consumer purchasing power of a country is to increase the total consumer earning power. Statesmen must therefore direct their efforts toward the increase and diffusion of earning power if they would increase and diffuse purchasing power.

Earning power can be increased and diffused in several ways: first, by a system of popular education which will enable larger numbers of each generation to avoid those occupations in which earning power is low by reason of excessive numbers and enter those occupations where earning power is high because of a relative scarcity of trained workers; second, by equipping workers with more and better power-driven machinery in order that new goods may be produced at prices which more people can pay; third, by developing new wants which our increasing productive power can supply at low costs; fourth, and most important, the encouragement of the kind of enterprise and initiative that starts new industries and puts the results of science and invention within the reach of millions of consumers, producing more goods for more people and creating more jobs for workers.

Returning, now, to the cases where purchasing power exceeds earning power, we have, first of all, the results of extortion. By extortion is meant any attempt to get what one wants by making others afraid to refuse one's demands. This is extortion whether practised by racketeers, loan sharks, predatory politicians, or self-styled labor leaders. Next in importance comes fraud, which includes all attempts to gain through deception or misrepresentation. Next comes monopolization, which means getting control of the supply of some desirable product and charging a price higher than the competitive price would otherwise be.

It is not to be inferred that these methods of gaining purchasing power in excess of earning power rob the poor directly. These practices are not aimed at those who have no purchasing power, but rather, at those who have it. But all practices which prey upon productive enterprise rob the poor indirectly, by discouraging the starting of new enterprises. This decreases the number of jobs, increases the number of the unemployed who, because of their unemployment, have no purchasing power. If productive enterprise could be freed from these dangers,

there would be more employment, and more consumers would have purchasing power because they would be producing their own purchasing power.

T. N. CARVER

Contempt, Power of Congress to Punish for.

This power has been repeatedly questioned on the ground that it is essentially judicial in character and therefore not vested in a legislative body. In *McGrain v. Daugherty* (273 U. S. 135, 1927) the Supreme Court, after an exhaustive review of the history, precedents, statutes and judicial decisions involved, declared that "the power of inquiry—with process to enforce it—is an essential and appropriate auxiliary to the legislative function," and that when necessary information is not forthcoming "some means of compulsion are essential to obtain what is needed."

W. A. ROBINSON

Conti, Fort (1679), comprised two redoubts, forty feet square, connected by palisades, enclosing a storehouse. It was built on the east side of the Niagara River at Lake Ontario by order of LaSalle^o, to protect the base of supplies for his expedition, but was destroyed by fire within the year.

[Frank H. Severance, *An Old Frontier of France*.]

ROBERT W. BINGHAM

Continental Army. See Revolutionary Army.

Continental Association. See Nonimportation Agreements.

Continental Congress, THE, is the name customarily given to the body of delegates of the American colonies (afterward states) which was first assembled in September, 1774, and again in May, 1775, as an advisory council of the colonies, but eventually became the central government of the union, serving as such until it was superseded, March 4, 1789, by the new government under the Constitution^o.

The First Continental Congress, which sat at Philadelphia from Sept. 5 to Oct. 26, 1774 (the title officially adopted was simply "The Congress," although in popular usage the word "Continental" came to be prefixed to distinguish it from various provincial congresses^o), was called together to concert measures for the recovery of colonial rights and liberties held to have been violated by a succession of acts of the British government, culminating in a series of repressive measures primarily directed against Massachusetts, but believed to involve threats against all the colonies. The principal measures

taken by this Congress were the adoption of a Declaration of Rights (Oct. 14), an Association (Oct. 20), whereby the colonies bound themselves in a nonimportation, a nonconsumption and a nonexportation agreement^o, and a resolution voicing the opinion that, unless the grievances had meanwhile been redressed, another congress should be assembled on the 10th of May following.

As the grievances had not been redressed, the Second Continental Congress met in Philadelphia at the appointed time. Meanwhile something like war had broken out between Massachusetts and the British military forces (see Lexington and Concord), whereupon Congress resolved to give aid to Massachusetts, took over the provincial army at Boston, and appointed George Washington Commander in Chief "of all the continental forces, raised, or to be raised, for the defence of American liberty" (June 15, 1775). With these steps Congress definitely advanced from being a mere clearinghouse of colonial opinion toward becoming the superintending power over the unified colonial cause. For nearly six years thereafter, with little authority other than a general acquiescence, Congress not only took general direction of the war with Great Britain, but became the collective voice of the colonies, soon to become states, for a multitude of their other common activities as well.

In the early months of the Congress of 1775 the objective was still the recovery of rights, though not less the restoration of union and harmony between Great Britain and the colonies; but before another year had passed, as the conviction gathered strength that only by the arbitrament of arms could the prized liberties be preserved, the idea of independence had laid its grip upon the public mind. The result was that, on the 2nd day of July, 1776, Congress adopted a resolution "that these United Colonies are, and of right ought to be, free and independent States," and two days later adopted a formal Declaration of Independence^o.

Prior to the Declaration of Independence colonial jealousies had led Congress to draw back from every suggestion of a permanent union; but now the necessity for an effective organization of the states for the promotion of the common cause became evident; while some minds even glimpsed national unity as a consummation to be sought for its own sake. Accordingly, Congress at once set about endeavoring to frame an instrument of union. The task was an exceedingly difficult one, particularly that of reconciling the antagonistic views and interests of the small states and the large, so that it was not until after

nearly a year and a half of effort, accompanied by numerous hot controversies, that Congress was able to come to an agreement upon that framework of government known as the Articles of Confederation⁹⁷ (Nov. 15, 1777).

Ratification of the Articles by the several states was still necessary, and it was only on March 1, 1781, that the last of the thirteen ratifications, that of Maryland, was obtained. From that time forth Congress was on a constitutional basis, a distinction sometimes emphasized by employing for this period the title "The Congress of the Confederation." The passing from a régime of unwritten to that of a written constitution made, however, no great difference in the conduct of affairs by Congress. The principal change was that some things theretofore done in a manner more or less irregular were now regularized; such, for instance, as the election of delegates, which formerly had been entirely at the discretion of the states, whether it were the number chosen or the times and terms of their election.

That the Articles of Confederation were defective in several particulars, none knew better than the very men who had framed them. For one thing, the method of voting by states, each state having one vote, adopted in the beginning as a concession to the small states, was perpetuated, and it led to many unfortunate results. For another, no provision was made for the support of the central government other than through contributions by the states upon the requisition of Congress. This deficiency was not so clearly sensed in the outset, for the reason that Congress undertook to finance the war by means of its own bills of credit⁹⁸, and, so long as those bills were good as well as plentiful, Congress could speak and the states would hearken. When, however, Continental money depreciated, and Congress began to call upon the states for help, there was grumbling and worse. A third serious defect of the Articles was the requirement of unanimous consent of the states to any amendment; and it came about that every effort to obtain amendments was defeated by a single state. Still another defect was in the constitution of Congress itself. The sole embodiment of the government—legislative, executive, judicial—Congress was not a fit instrument for the conduct of a war or of the administrative business of a government. Long hesitant to part with even the semblance of power, largely restrained indeed by the fear of a strong executive that pervaded the states, Congress did little toward developing its administrative arm until the war was closing.

The war, with its impelling power for unity, at an end, the states lost in great measure their

concern for the Congress of their union, and even drifted toward a dissolution of that union; while Congress, for its part, advanced, not from strength unto strength, but from weakness unto weakness. It was only the determination of a small group to save the union that led, through the Annapolis Convention, to the Convention of 1787, and finally to the new-framed Constitution⁹⁹. It is not to be understood that Congress was wholly hostile to a constitutional convention, for that plan had several times been broached in Congress, and more than once was all but espoused. Neither is it to be understood that the government inaugurated under the Constitution was the antithesis of that which existed under the old Congress. On the contrary, the new government found ready to its hand not only much of the essential governmental machinery, but also a considerable body of substantive law.

[Edmund C. Burnett, *Letters of Members of the Continental Congress*; Edward Channing, *History of the United States*; F. N. Thorpe, *Constitutional History of the United States*.]

EDMUND C. BURNETT

Continental Currency. See Currency, Continental.

Continuous Voyage. See Destination, Enemy, and Continuous Voyage.

Contraband, Negroes as, was a doctrine set up by Gen. Benjamin F. Butler, in May, 1861, as applicable to the problem of fugitive slaves of secessionist owners, who sought refuge in Union military camps. On May 23, 1861, three slaves of a Virginia secessionist took shelter at Fort Monroe, Va. When demand for their return was made under the Fugitive Slave Law¹⁰⁰, Gen. Butler refused on the ground that Virginians had no privilege under Federal laws since Virginia had declared herself out of the Union. In his official report to Washington, May 25, he did not mention the word *contraband*. Not until July 30, in reporting to the Secretary of War, did he use the term in explaining that he treated "the able-bodied negroes, fit to work in the trenches, as property, liable to be used in aid of rebellion, and so *contraband of war*." *Contraband as doctrine* disappeared after the passage of the Confiscation Act¹⁰¹, Aug. 6, 1861, but "*contraband*" as a slang term for Negro or slave was widely used. Although some question later arose as to Butler's authorship of the term, it seems credible that he used the word in conference if not in official reports before Northern newspapers made the term popular.

[James Ford Rhodes, *History of the United States, 1850-1877*, Vol. III.]

C. MILDRED THOMPSON

Contraband of War. The definition of contraband of war has been in dispute throughout modern times. Nations with small navies have inclined to restrict it to arms, implements and munitions of war. Nations with large navies have been disposed to leave it undefined so that in time of war they might feel at liberty to seize, not only arms, munitions and implements of war, but also materials which contributed to the manufacture of such, but which might also be used for ordinary peaceful purposes, notably naval stores and even foodstuffs. In the 18th century it was the habit of small-navy powers to make treaties with each other, in which they agreed, in case of a future war in which one should be belligerent and the other neutral⁹⁰, that contraband should include only arms, munitions and implements of war as listed in the treaty; all other goods were noncontraband. The United States followed this practice in the famous Plan of 1776⁹¹ and in its early treaty structure wherever possible. During the American Civil War, however, contraband was expanded to include naval stores, ardent spirits, military persons in the service of the enemy, despatches of the enemy and "articles of like character with these especially enumerated."

On the eve of the World War an attempt was made in the unratified (by Great Britain, and, consequently also unratified by the United States) Declaration of London (1909)⁹² to define contraband in three categories: absolute contraband, consisting of listed articles considered to be devoted principally to the prosecution of hostilities; conditional contraband, consisting of articles which might be used either for peaceful purposes or military purposes; and noncontraband, consisting of articles which could supposedly never be used for military purposes. As a neutral during the World War, the United States, in diplomatic debates with Great Britain and her Allies, unsuccessfully endeavored to preserve this distinction against the British expansion of the list of contraband, but as a belligerent, the United States tended to define contraband in the most latitudinarian manner, the destination of the goods being the deciding factor.

Today the definition of contraband is still imperfect, but the drift is for strong naval powers to include any article which might be directly or indirectly of advantage to an enemy. The Neutrality Acts of 1935 and 1937⁹³ prohibited the export by the neutral United States to overseas belligerents of "arms, munitions and implements of war," the same according to lists proclaimed by the President.

[Carlton Savage, *Policy of the United States toward Maritime Commerce in War*.]

SAMUEL FLAGG BEMIS

Contrabandistas of the California coast refers to the Yankee skippers who began to trade with the Spaniards of the coast towns after the War of 1812. Such trade was prohibited by the Spanish government, and up to 1818 a number of American cargoes were confiscated and the crews thrown into prison. After that date, however, the demand for Yankee notions⁹⁴ and an outlet for their own cattle hides caused a relaxation of the Spanish regulations.

[K. Coman, *Economic Beginnings of the Far West*.]

CARL L. CANNON

Contract Clause, THE, of the Constitution of the United States provides that "No State shall . . . pass any . . . law impairing the obligation of contracts." The clause was the subject of but little debate in the Constitutional Convention⁹⁵ and in the ratifying conventions. The general assumption seems to have been that the clause applied only to private contracts, and not to contracts made by the states themselves. Opinions to the contrary were expressed in succeeding years, however, and in 1810, in *Fletcher v. Peck*⁹⁶ (6 Cranch 87), Chief Justice Marshall established the broader principle in constitutional law by holding that a state might not rescind its grants. It was the expansion of the meaning of the clause to include public contracts which gave it the significance it has had in American constitutional history. Other decisions of the Marshall period were important as precedents. *New Jersey v. Wilson* (7 Cranch 164) demonstrated the inviolability of contracts conferring immunity from taxation. The *Dartmouth College case*⁹⁷ (4 Wheaton 518) established the principle that a charter was a contract within the meaning of the clause. In *Sturges v. Crowninshield*⁹⁸ (4 Wheaton 122) it was decided that state bankruptcy laws could not relieve debtors of obligations incurred prior to the date of the legislation.

During the period between 1837 and 1864, in which Roger B. Taney was Chief Justice, the principles asserted by the Marshall court were formally adhered to, but the Court observed the practice of construing narrowly contract rights granted by the states. Limiting principles were developed to the effect that no grant by a state could prevent the subsequent recapture of the grant by eminent domain⁹⁹, and no grant could stand in the way of the exercise of the police power.¹⁰⁰ The drastic effect of the decision that rights given through charters could not be impaired was ameliorated by the states themselves through the development of the tendency to grant charters for limited periods of years instead of in perpetuity, and by including in the char-

ters statements of the reserved right to alter, amend or repeal (*see* Franchises to Public Utilities).

The period of doctrinal expansion of the contract clause ended approximately with the Civil War. It was used with great frequency during the ensuing years to protect vested rights⁷⁷ against state legislation, but its use for this purpose began to decline in the final decades of the century as the interpretation of the due process clause⁷⁸ of the Fourteenth Amendment⁷⁹ was broadened to make it a check upon legislation.

Throughout the years since the Constitution was adopted, the contract clause has continued to perform the somewhat narrower function of checking legislation impairing the obligation of private contracts. At the time of the Minnesota Mortgage decision⁸⁰ (290 U. S. 398), in 1934, it was thought that the force of the clause was being directly weakened by court interpretation, but subsequent decisions created doubt as to whether or not any significant change had taken place.

[Benjamin F. Wright, *The Contract Clause of the Constitution*.]
CARL BRENT SWISHER

Contracts, Foreign Labor. The scarcity of labor incident to the Civil War was responsible for the act of 1864, which made alien labor contracts valid and enforceable in the courts. Individual employers and special companies soon became so active in inducing foreign workers to come to the United States under contract that the country was threatened with a deluge of cheap labor. Convinced that the American labor market needed protection similar to that afforded commodity markets under the tariff, Congress in 1868 repealed the act.

In 1885 the Contract Labor Law was enacted which forbade assistance or encouragement of immigrants coming here under contract to work. The provisions of the law applied only to laborers; professional, skilled and domestic labor was exempted. To assure greater protection the law was changed in 1907 and in the General Immigration Act of 1917 its scope was greatly widened.

[J. R. Commons and J. B. Andrews, *Principles of Labor Legislation*.]
GORDON S. WATKINS

Contreras, The Battle of (Aug. 19-20, 1847), was an engagement in Gen. Winfield Scott's advance on Mexico City. As Gen. Santa Anna had fortified the causeway between Lakes Chalco and Texcoco on the National Highway to Mexico City, Scott decided to take the difficult road across the lava bed south of Lake Chalco. This route was commanded by the heights of Contreras, held

by Gen. Valencia. After severe fighting, the Americans drove Valencia from Contreras and captured Churubusco⁸¹ the same day.

[J. H. Smith, *The War with Mexico*.]

MILLEDDGE L. BONHAM, JR.

Convention Army was the name used to designate Burgoyne's⁸² army after it had been surrendered by a "convention" rather than by the customary "capitulation." The troops were marched, under armed escort, to an encampment in Cambridge, Mass., it being intended to return them to England. The transports did not arrive. The troops remained a year at the expense of Massachusetts, when they were moved to Rutland, Mass., and then to Charlottesville, Va. After another year, the troops again moved, this time to Winchester, Va., and Frederick, Md. In the summer of 1781 some of the "Convention" troops moved to Easton, Pa., and some back to Rutland, Mass. The Definitive Treaty of Peace⁸³ released all prisoners of war. By this time, the army had been reduced by paroles, exchanges, deaths and desertions to about half its original 5000. Some of the men remained in the United States, but most of them returned to their native lands.

[A. J. Wall, *The Story of the Convention Army, 1777-1783*, *New York Historical Society Quarterly Bulletin*, October, 1927.]

THOMAS ROBSON HAY

Convention of 1787, THE, was called by the Annapolis Convention⁸⁴ of 1786 and by the Continental Congress⁸⁵ to meet in Philadelphia, on Monday, May 14, 1787. On that day, only a small number of delegates had assembled. Finally, on Friday, May 25, delegates were present from seven states, so the Convention was organized and began its deliberations. Sixty-five delegates had been chosen by the legislatures of twelve of the original thirteen states. Rhode Island was at no time represented in the Convention. Of the delegates elected, but fifty-five members attended, of whom but thirty-nine signed the completed document when the Convention adjourned on Monday, Sept. 17 of the same year.

The delegates included many of the leading men of the period. Among them were the experienced statesmen who had taken a foremost part in social, political and military contests. They were practical politicians who in many cases had held high office in the colonial and the state and national governments. Foremost among them were George Washington, who was elected president of the Convention, and Benjamin Franklin. These two men did not take a prominent part in the debates, but doubtless had great

influence in smoothing away difficulties, in encouraging the other members and in securing the later approval of the Constitution⁷ when it was submitted to the states. Twenty-nine of these men were graduates of colleges or universities in America or Great Britain. More than half of them were lawyers and took a leading part in the debates. Eight of them had signed their names to the Declaration of Independence⁸ in 1776.

Among those of first-class ability may be mentioned, in addition to Washington and Franklin, Elbridge Gerry and Rufus King of Massachusetts, Roger Sherman and William Samuel Johnson of Connecticut, Alexander Hamilton of New York, William Paterson of New Jersey, Robert Morris, James Wilson and Gouverneur Morris of Pennsylvania, John Dickinson of Delaware, Luther Martin of Maryland, George Mason, James Madison, Edmund Randolph, and George Wythe of Virginia, William Richardson Davie of North Carolina, Charles Pinckney and Charles Cotesworth Pinckney of South Carolina.

Soon after the members began their deliberations they became convinced of two things: first of all, that the main purpose for which they had been called in convention, namely to amend the Articles of Confederation⁹ sufficiently to serve as a future frame of government, was impossible. They, therefore, cast aside their instructions and produced an entirely new document which was to supplant the Articles of Confederation as the supreme law of the land. As a matter of fact, the new Constitution, when finally made, provided that it was to go into effect when ratified by *nine* states. This was a direct breach of constitutional law since the Articles of Confederation had provided that any change or amendment in them must be ratified by unanimous vote by all the thirteen states. From a legal standpoint this amounted to a revolution as great as the rebellion against Great Britain, or the Declaration of Independence. Even when the new government became established and Washington became President in 1789, North Carolina and Rhode Island had refused their consent and did not ratify the Constitution until some months later.

In the second place the members of the Convention realized that unless they did their work in secrecy minor disagreements might stir up popular excitement or outside pressure even to the extent that the Convention might be broken up without coming to any conclusion. For this reason, they closed their doors and the proceedings of the Convention were held a secret for nearly sixty years. The Constitution was placed before the people as a completed document without any knowledge at the time of the proceedings

by which the results had been reached. The official journal of the Convention was not printed until 1819. In 1821, Robert Yates, a delegate from New York who had withdrawn from the Convention, published what he entitled *The Secret Proceedings and Debates of the Federal Convention*. These were but partial disclosures, and the full account appeared only in the year 1840, when the United States Government published the records of the debates and proceedings of the Convention which James Madison had prepared at the time and revised during the later years of his life.

The main work of the Convention may be summarized as follows. On May 29, Edmund Randolph of Virginia submitted for the consideration of the Convention the Virginia plan of government. It had been privately prepared by the members of the Virginia delegation in which James Madison took a prominent part. It should be remembered that the great weakness of the Articles of Confederation lay in the fact that they provided for what might be called a league of thirteen nations rather than a national consolidation. This was a fundamental defect since it was impossible to coerce a state and require obedience to the mandates of the national government. The Virginia plan now provided for a national government that should operate directly upon individuals rather than upon states. Also, the plan provided for two houses of a national legislature modeled on the legislatures of the various states. The members of the lower house were to be chosen directly by the people. The members of the upper house were to be elected by the lower house from persons nominated for that purpose by the state legislatures. Each state was to have representatives in proportion to its wealth and the number of its inhabitants. This would give the more populous states such as Pennsylvania and Virginia an overwhelming proportion of representatives, whereas, the smaller states such as New Jersey and Delaware would have but few. Moreover, since the members of the legislative body were to vote as individuals and not by state delegations as in the Continental Congress under the Articles of Confederation this increased the preponderance of the populous states. The taxing power and other such matters of legislation were given to the legislature; also there was to be a national executive and a Federal judicial system. This plan proposed fundamental changes and went to the very roots of national necessity.

On June 15 William Paterson laid before the Convention the so-called New Jersey plan. While this provided for an increase in the powers of

Congress and the right to levy taxes in proportion to population, with control of foreign relations and various other powers suitable to a strengthened national government, yet in reality its object was merely to secure an adequate revision of the Articles of Confederation. The Federal legislature was to consist of one house and was to represent states instead of individuals, while the states were to vote equally, as heretofore under the already existing government. Of course, this meant only an alleviation and not a cure of the difficulties of the Government under the Articles of Confederation.

These two plans caused a long and at times an excited debate until, at the suggestion of Roger Sherman, William Samuel Johnson and Oliver Ellsworth, the so-called Connecticut Compromise⁷⁰ finally settled the matter by the creation of a legislative body composed of a House of Representatives in which the states were to be represented according to population, and a Senate in which the states were to be equally represented. This body was called the Congress⁷¹, instead of a Parliament. It perpetuated the name of the Continental Congress which first had met at Philadelphia in 1774.

Also there was a struggle over the question of representation⁷² of the slave population since it had been decided that representatives should be apportioned only according to population. The Northern states held that slaves were property and should not be counted on the basis of apportionment⁷³. The Southern states held that slaves were individuals and hence should be represented. This difference of opinion was finally compromised by the agreement that three fifths of the slave population were to be counted in the apportionment.

A third so-called compromise concerned the slave trade⁷⁴ to which the Northern states were opposed but which, of course, was supported by the Southern states led by South Carolina. It was finally provided that the foreign slave trade should not be prohibited for twenty years or until 1808, and in return the Southern states consented to the provisions desired by the Northern states which empowered Congress to pass navigation acts and otherwise to regulate commerce.

The office of President⁷⁵ was created, more or less consciously modeled upon the kingship of Great Britain, but of course with the provision that the executive should be elected instead of hereditary. The people had learned from the bitter experiences of the Revolution the need for an adequate executive authority. Also a Federal judiciary⁷⁶ was provided upon the basis of appointment by the President for life tenure or

during good behavior, and the power of judicial review⁷⁷ was taken for granted in the debates of the Convention. To the Senate were given powers somewhat like those of a privy council. These consisted in the ratification of treaties by a two-thirds vote and the confirmation of executive appointments.

No regular provision was made for a Cabinet⁷⁸, since the delegates were not aware of the fact that Great Britain already was under a cabinet form of government. But it may be said that the new government was modeled upon that of the contemporary British government or what the delegates at that time understood the British government to be. From Blackstone and Montesquieu came the idea of a government of "separation of powers"⁷⁹ among the legislative, executive and judicial departments. These should be so adjusted by means of checks and balances⁸⁰ of power and authority that no one part of the government could increase its authority at the expense of the others, with a resultant danger to the liberties or rights of the people.

Another fact of great importance is that the Constitution was in reality not so much a new invention as a codification of British law and government, and of the practical experience of the Americans during the preceding century and a half of colonial history. The practical statesmen and politicians among the members of the Convention formulated the provisions of the Constitution in the light of their actual knowledge and experience of the needs and desires of the people. The amount of new material is relatively small. A provision that perhaps came nearest to that of being a new invention was the method of choosing the President by means of an electoral college⁸¹. But this provision was practically discarded within fifteen years after the new government went into effect, and the electors became merely what they are today, the instructed agents of the voters at the polls.

The Convention provided that the new Constitution should be submitted to the still existing Continental Congress and also expressed the "opinion" that the document should afterwards be submitted to a convention of delegates to be chosen in each state by the people thereof, under the recommendation of its legislature, for their assent and ratification (*see* Constitution, Ratification of the).

The Constitution was written out under the supervision of a so-called committee on "style" and arrangement, of which Gouverneur Morris and William Samuel Johnson were leading members. It was adopted and signed on Sept. 17, and the Convention adjourned. Among the six-

teen who refused to sign, George Mason, Elbridge Gerry and Edmund Randolph were still present. Most of the others already had left the Convention and returned home.

The debates in the Convention were of a high order and ability (*see Federalist, The*). The results were of such a remarkable character that the Constitution has far exceeded the expectations of the members of the Convention in the success of its functioning. The growth of its influence has had a stabilizing effect upon the country. At the same time it has provided a basis for the extension of its authority through judicial interpretation and the growth of custom to meet the needs of a progressive government which also has been adapted to a changing and developing mode of life. (*See also Bill of Rights; Amendments to the Constitution of the United States, The*)

[Max Farrand, *The Records of the Federal Convention*; G. Hunt and J. B. Scott, *Debates in the Federal Convention of 1787*; John Fiske, *Critical Period of American History*.]

WILLIAM STARR MYERS

Convention of 1800. Talleyrand, French foreign minister, alarmed at the aggressive action of the United States in the undeclared naval warfare (*see Franco-American Misunderstanding, 1798-1800*) against France and fearful of a possible Anglo-American alliance right at the time when France was planning a revival of her colonial empire in the region of Louisiana (*see San Ildefonso, Treaty of*), invited the United States to negotiate a convention. In the negotiations Murray, Ellsworth and Davie, the American commissioners, demanded compensations for French spoiliations⁹⁹ since 1793, and the annulment of the treaties of 1778 (*see Franco-American Alliance of 1778*). After an irritating interruption caused by Napoleon's Italian campaigns against Austria, the negotiations were finally completed. The terms of the Convention of Sept. 30, 1800, suspended the former treaties and the damages claimed under them, pending subsequent negotiations, and accepted the maritime principles of the Treaty of 1778, including "free ships, free goods" and a most-favored-nation clause⁹⁹. France also gave up the bothersome practice of demanding crew lists. After one rejection the United States Senate finally ratified the convention with the understanding that the treaties of 1778 were not merely suspended but completely abrogated. France then insisted that the respective claims of the two parties also be renounced. Both countries agreed to these reservations, and the convention went into force Dec. 21, 1801.

[Trescott, *Diplomatic History of the Administration of Washington and Adams*.]

LYNN M. CASE

Convention of 1818 with England, The, was signed at London, Oct. 20, by United States minister to Great Britain Richard Rush and minister to France Albert Gallatin, and British plenipotentiaries Frederick J. Robinson and Henry Goulburn. Ratifications were exchanged at Washington, Jan. 30, 1819. It gave United States citizens the right to fish on limited portions of the coasts of Newfoundland, the Magdalen Islands and Labrador; established a boundary from the Lake of the Woods⁹⁹ west to the Rocky Mountains along the 49th parallel, N. Lat.; stipulated that territory west of the Rockies claimed by either should be open equally to both for ten years, without affecting any territorial rights (*see Oregon Question, The*); renewed the terms of the commercial convention of July, 1815, for ten years; and referred the United States' claims to indemnification for slaves seized by British forces in the Revolution to arbitration by a friendly sovereign.

Several problems left unsettled in the Treaty of Ghent⁹⁹ were liquidated in this convention. The fisheries agreement partially renewed pertinent provisions of the Definitive Treaty of Peace of 1783⁹⁹. The boundary had been a problem since the creation of the Northwest boundary⁹⁹ "gap" by geographical uncertainties at the time of the negotiations of 1782. British contentions and Spanish objections to our purchase of Louisiana⁹⁹ had delayed a settlement until after the War of 1812⁹⁹.

The Oregon region, jointly occupied until 1846 under a renewal of this agreement (*see Joint Occupation*), became eventually limited to the Rockies, the 42nd parallel (defined in the Adams-Onís Treaty of 1819⁹⁹), on the south, and 54° 40' (defined in a treaty of 1824 with Russia) on the north. This convention made possible the settlement of Oregon by United States citizens, which in turn proved a deciding factor in securing a great share of that region for the United States.

[Hunter Miller, ed., *Treaties and Other International Acts of the United States*.]

PHILIP COOLIDGE BROOKS

Convention under the Oaks. *See* Republican Party.

Conventions, Party Nominating. A national nominating convention is a complex organization composed, in the case of a major party, of over a thousand delegates. These delegates are chosen prior to the conventions in party primaries or in state conventions. Ever since the convention system was originated by the Anti-Masonic party⁹⁹ in 1831, the size of each state's

delegation has been determined, in general, by the electoral vote of the state. Representation is also granted to the District of Columbia and to the territories of the United States.

The convention city is selected by the party's national committee. As soon as the convention assembles, with each state delegation seated together, a temporary chairman, generally a person nominated by the national committee, is chosen. After he has delivered a "keynote" speech, praising the record of his own party and flaying the opposition, four committees are selected through roll calls of the states. Each state is entitled to one member on each of these committees which are: the committee on credentials, the committee on permanent organization, the committee on rules and order of business and the committee on platform and resolutions.

The committee on credentials has the duty of settling the rival claims of persons claiming membership in the convention. Usually there are only a few disputes but occasionally, as in the Republican convention of 1912, when there were 210 contested seats, the committee assumes great importance.

After the permanent roll of delegates has been determined, the committee on permanent organization brings in its report, nominating a permanent chairman and other convention officials. Ordinarily the nominations are accepted, and the newly elected chairman is escorted to the platform to deliver another partisan speech.

Next comes the report of the committee on rules and order of business. While it may deal with a wide variety of matters, this report customarily recommends the adoption of the rules of the previous convention, including the rules of the national House of Representatives. On rare occasions, the committee makes extraordinary recommendations. Thus, in 1912, the rules committee of the Democratic party secured a modification of the "unit rule"⁹⁰ under which the vote of each state delegation was determined by the majority of its members. Again, in 1936, the committee secured the abrogation of the "two-thirds rule"⁹¹ making it possible for Democratic candidates for President and Vice-President to be nominated by a simple majority. Both rules had been in effect since the first Democratic convention in 1832.

Finally, the committee on platform and resolutions brings in a report which, when adopted, constitutes a statement of the party's views on the whole field of national politics.

[E. M. Sait, *American Parties and Elections*.]

ERIK MCKINLEY ERIKSSON

Convict Labor Systems. Debtor chain gangs labored in the streets of Philadelphia and New York immediately after the Revolution. With the establishment of state prisons and abolition of imprisonment for debt⁹², outside convict labor disappeared for nearly a century except in the South. The Pennsylvania Prison System⁹³ provided for handicraft labor in solitary cells. The Auburn⁹⁴ type prisons authorized contractors to build and operate shops within their yards. Labor opposition led to state anti-contract laws in the mid-1880's. Prison officials then took over the shops and sold their products to outside firms; but there was renewed opposition because of price competition. During the 1890's, New York, Massachusetts and Pennsylvania followed by other states, prohibited the sale of convict-made goods on the open market, and inaugurated the state-use system—production of articles for use by the state or its agencies. Other states developed new prison industries⁹⁵ for a local market, such as the binder-twine industry in Minnesota, and jute manufactory on the Pacific coast. The good roads movement led to honor camps on the roads of several Western states, following Colorado's example in 1906. This spread elsewhere, but, like medium-security industrial farms⁹⁶, was applicable only to a portion of the convicts.

New state prisons in the South, which had begun, by the 1840's, to take charge of convicts formerly left to county sheriffs, were largely destroyed by the Civil War. These states then turned their convicts over to lessees for railroad work and other enterprises. After twenty years this system began to yield to penal plantations, chain gangs⁹⁷ on the roads, and a few Auburn type prisons. During the 1880's the Upper South began to turn to the penal patterns of the North; the Lower South followed this trend in the 1920's.

[H. R. Industrial Commission, *Prison Labor*, Washington, 1900; E. P. Sanford, *Prison Labor in 1936*, *Monthly Labor Review*, August, 1938, Blake McKelvey, *American Prisons*.]

BLAKE MCKELVEY

Convoys, often used for commerce protection in sailing ship days, were again employed by the Allied powers during the World War. Between July, 1917, and the armistice over 85,000 of their ships sailed in convoy with loss of only 433 by submarines. Freight sailings from America came under the widespread British convoy system, but troop transportation was largely under American naval control, with Admiral Albert Gleaves as Chief of Convoy Operations (May 1917). The navy operated forty-five troop transports, including twenty former German liners. These were escorted by cruisers to the submarine zone and

met there by destroyers from European bases. Of over 2,000,000 troops sent abroad, about 43% were carried in American vessels, and 83% under American naval escort. Outward bound, no lives were lost from American transports, but in returning the *Antilles*, *President Lincoln* and *Cowington* were sunk, and the *Finland* and *Mt. Vernon* were torpedoed but reached port.

[Albert Gleaves, *A History of the Transport Service*; C. E. Fayle, *Sea Borne Trade*, British Official History.]

ALLAN WESTCOTT

Conway Cabal, THE (so-called), marked the culminating effort (1777-78) of New England's coterie in the Continental Congress⁹⁹ to regain control of the army and the Revolution, both of which passed from its hands when Congress took over the war and elected Washington Commander in Chief. Regaining that control seemed even more important to the clique than independence. Maj. Gen. Thomas Conway's indiscreet letter to Gen. Gates revealed the military side of the cabal, which aimed at the removal of Washington as the main obstacle to Massachusetts' regaining control of the army; later the French alliance⁹⁹ was also opposed as it would put an end, definitely, to all such maneuvers. Conway's letter and the subsequent public revelations rallied to Washington a support that overwhelmed the conspirators both in Congress and the army. Fastening Conway's name to the cabal has improperly stigmatized the least of its factors, and long diverted attention from the real purpose of the scheme.

[J. C. Fitzpatrick, *George Washington Himself*.]

JOHN C. FITZPATRICK

Cooacoochee's Band was a product of the Second Seminole War⁹⁹. Cooacoochee, a Seminole, captured at St. Augustine under a flag of truce in September, 1837, made his escape and renewed the war. He surrendered in May, 1841, near Fort Pierce, Fla., to Lt. William Tecumseh Sherman, and was removed to Indian Territory the following year.

[Grant Foreman, *Indian Removal*.]

KENNETH WIGGINS PORTER

Cooch's Bridge, Battle of (Sept. 3, 1777). The British and Hessian troops, under Gens. Howe, Cornwallis and Knyphausen, after debarking at Elk Ferry, Md., were proceeding toward Philadelphia. They were attacked by Gen. William Maxwell with a body of expert marksmen and cavalry, which Washington had detached from his army, with instructions to annoy the enemy. Maxwell, from the woods, Cooch's Bridge and

the Welsh Baptist Church, delivered close, well-directed firing from nine until noon, when forced to retire. It is claimed this was the first battle under the Stars and Stripes.

EDWARD W. COOCH

Cooke, Jay, & Co., a private investment bank, was established in Philadelphia in 1861. Jay Cooke got his experience in E. W. Clark & Co., a domestic exchange and investment house. When the Treasury's sale of United States loans brought inadequate funds, early in the Civil War, Cooke was appointed special agent to sell the "five twenties"⁹⁹. His firm sold the loan directly to the people by means of a comprehensive organization and effective publicity. Success led to close association with the Treasury until the war ended. By 1865 Jay Cooke & Co. was regarded as the leading American banking house, but peace brought serious difficulties. The Cookes, expecting much work from refunding, added a New York house to their wartime Philadelphia and Washington offices. The partners were close to Secretary of the Treasury McCulloch and worked for sound Federal finance, but political and rival-banker opposition, and the failure of early refunding bills in Congress, prevented the Treasury from giving them much work.

Failing to get sufficient government business, the Cookes, like other bankers, turned to railroad finance. First they sold minor issues, and in 1869 undertook to finance the Northern Pacific⁹⁹. Railways were built from Lake Superior to the Mississippi and Missouri. But Jay Cooke & Co. failed in 1873 because of heavy advances to the railroads.

The work of Jay Cooke & Co. in war finance was a great service to the Government. The firm provided leadership in the transition from the passive banker to the financial capitalist who came to exercise a considerable control over corporate enterprise. Jay Cooke & Co. demonstrated the effectiveness of aggressive investment selling; it introduced the use of the underwriting syndicate for large loans; and, by its failure, revealed the risk bankers run in assuming great financial responsibilities without adequate supports and controls.

[Henrietta M. Larson, *Jay Cooke, Private Banker*; E. P. Oberholtzer, *Jay Cooke, Financier of the Civil War*.]

HENRIETTA M. LARSON

Cookery. Naturally, the first settlers in the American colonies brought with them the cooking traditions of their mother countries—England and Holland, for the most part—and gradually adapted them to the new foods found in America. New England, having a long ocean

coastline, used much fish, and the cold winters developed, especially in Maine, a rugged sort of cookery too strong and heavy for the tastes of other sections. The cold winters likewise fostered a taste for sweets, which came to be eaten at all meals. The typically American shallow fruit pie was largely developed in New England, and with the addition of custards in various forms, became the favorite American dessert of later centuries; but the tradition that pie was and is a regular breakfast dish in New England rests upon slender foundations.

In the South, Negro cooks, with their liking for rich foods, influenced the menu to no small degree, though white ladies on the great plantations or in town in such areas as the aristocratic "Bluegrass" region^o of Kentucky had their favorite recipes, sometimes inherited and often elaborate, for certain dishes. In the Southern cuisine, cornbread, hot biscuits for breakfast, and a bit of meat cooked with string beans, "greens" and some other vegetables, were essentials. To a Southerner, the vegetables cooked in the North, in only slightly salted water, seem tasteless. The early pioneers' craving for fats and need for a quick and easy method of cooking meats over a fire brought about a habit of frying food which long persisted and was the cause of much alimentary derangement. Some of the Indian tribes did a semirefined cooking in a hole dug in the earth, and the method was adopted to some extent by the early New England lumbermen and others for the hours-long cooking of beans. There was a revival of it among housewives after the United States Army had tested a factory-made fireless cooker in 1905, but the fad did not continue long.

The Dutch settlers of New York gave us the doughnut, the Indians succotash, the German immigrants brought us sauerkraut. Chile con carne came in from Mexico through the Southwest, was pretty well known throughout the Southern states before 1900, and some years later made its way northward. French cookery was of course first known in Louisiana, for generations a transplanted bit of France. In New Orleans French restaurants arose, such as Antoine's and others, whose fame extended the country over. In Louisiana some unusual foods are eaten, such as the crawfish by the poorer whites and Negroes. There were occasional small French cafés in Eastern cities in the mid-19th century, but not until the millionaire era, beginning in the 1870's, did great restaurants, such as Delmonico's, Sherry's, Martin's, Rector's and others, introduce exotic cooking to many wealthy palates. The first known printing of a cook book in

America was a reprint in 1742 of an English work. In the latter half of the 19th century, cooking schools began to appear, being later merged in what came to be known as Domestic Science.

[Anna Barrows and others, *An Outline on the History of Cookery*; James E. Gourley, *Regional American Cookery*.]

ALVIN F. HARLOW

Cook's Search for the Northwest Passage (1776-80). Capt. James Cook of the British navy sailed from England on his third, and last, voyage of discovery July 12, 1776. The chief purpose of the expedition was to explore the northwest coast of America above 45° to determine the existence of a northwest passage^o through America. Cook sailed along the coast from 43° north into the Arctic Ocean until his way was blocked by ice. He named Capes Foulweather, Perpetua, Flattery and other landmarks south of 49°, but failed to discover the Columbia River^o or entrance to the Strait of Juan de Fuca. North of 49° he explored with greater thoroughness, naming many important landmarks. Sailing along the Alaska coast, he passed through the inlet named for him, and found his way through the maze of the Aleutian Islands^o. He touched the Asiatic continent, and finally sailed through Bering Strait and as far into the Arctic Ocean as his ships would plow through the ice. He had now proved that there was no navigable northwest passage.

The expedition wintered during 1779 in the Hawaiian Islands where Cook met death at the hands of the natives. Under the next ranking officer, Charles Clerke, the vessels once more attempted the northern passage but found it ice-blocked. The incidental purchase of furs for service in the Arctic regions, and the discovery of the large market value at Canton^o gave the commercial world the first information of the possibilities of the northwest coastal fur trade. (See also Sea-Otter Trade.)

[Charles H. Carey, *A General History of Oregon Prior to 1861*.]

ROBERT MOULTON GATKE

Cooley v. Board of Wardens of Port of Philadelphia, 1852 (12 Howard 299). Chief Justice Marshall had intimated that the Constitution gave Congress an *exclusive* power over interstate and foreign commerce (*Gibbons v. Ogden*^o). Chief Justice Taney held that state regulations of commerce were valid if not in conflict with any law of Congress (*see License Cases*). Other justices expressed divergent views. Finally, in the Cooley case, Justice Curtis formulated a solution to this uncertainty over the "dormant" com-

merce clause⁷⁷. Where the subject is one which seems to demand a uniform rule, local regulations will be struck down. But where the subject admits of diversity—in particular, the control of pilotage in various ports—the states remain free to act during the silence of Congress. This received the concurrence of a majority of the justices, and has remained the accepted doctrine.

[Felix Frankfurter, *The Commerce Clause*; Warren, *The Supreme Court in United States History*.]

CHARLES FAIRMAN

Cooper Union for the Advancement of Science and Art, THE, an institution for the free instruction of poor men and women in applied science, art and social and political science, was opened in New York City in 1859. Peter Cooper furnished the inspiration and, at a cost of some \$630,000, the large site and building overlooking Astor Place; Abram S. Hewitt was chiefly responsible for the plan of instruction and the early administration.

[Allan Nevins, *Abram S. Hewitt, With Some Account of Peter Cooper*.]

ALLAN NEVINS

Co-operatives, Consumers'. The earliest known American consumers' buying organization was begun in 1844 by John Kaulbach, a Boston tailor. By 1847 there were twelve divisions known as the Workingmen's Protective Union. Growth was rapid until 1853, but dissensions split the organization, and both factions dissolved about the time of the Civil War.

Although this movement was begun by industrial workers, consumers' co-operatives in America have found their strongest support among farmers. The Patrons of Husbandry⁷⁸, or Grange, built up an elaborate system of co-operative stores in the 1870's, which collapsed in the 1880's because of mismanagement and adverse economic conditions. The Sovereigns of Industry⁷⁹, a wage-workers' organization, which during the same period likewise had a mushroom growth and decline, was the first American co-operative to adopt the Rochdale plan of return of savings in proportion to patronage.

From about 1880 to 1914 the movement was confined mainly to local enterprises, some of the most successful being organized by Finnish and Scandinavian farmers and mill-workers. Between 1914 and 1921 another wave of large-scale organizations repeated the disastrous cycle of rapid growth and decline that had been experienced by the Grange. Many local associations, however, survived, and in 1925 it was estimated that the members received in savings (returned to them) more than \$750,000.

Beginning in 1921, co-operative buying of gasoline, oil and other automobile supplies developed into one of the most successful forms of consumer co-operatives, especially in the North Central states. In 1936 the sales of petroleum associations were estimated to be more than one third of the total retail sales of co-operatives. Many farm associations combined co-operative marketing of their own products with co-operative buying of farm supplies. Other forms of co-operatives have had a slow, quiet growth. Their total volume of business, though in the hundreds of millions of dollars, has never been estimated at more than 2% of consumer purchases. Among the reasons assigned for relative lack of success in America compared with foreign countries are the greater mobility of the population, the high efficiency of private distributors, and the lack of understanding of co-operative principles. The Co-operative League, which has carried on a work of education for over twenty years, has estimated (1939) the total number of consumer co-operatives, exclusive of credit and insurance associations, but including wholesale associations, at about 7700 with a total membership of nearly 2,000,000.

[Consumers Co-operation, in *Annals of the American Academy of Political and Social Science*, 1937.]

G. B. HOTCHKISS

Co-operatives, Farmers', have been important in the marketing of farm products, buying supplies for farmers, issuing insurance, providing their members with credit and aiding in production. Organizations of a general nature were reported as early as 1785. Early in the 18th century local associations were established to process and sell farm products. Attempts to make and sell cheese and butter co-operatively were reported in Connecticut in 1808 and 1810 (*see Dairy Industry*). The first successful "cheese ring" was started in Rock Lake, Wis., in 1841, and the first successful co-operative cheese factory in Oneida County, N. Y., in 1851. Successful co-operative creameries were started in Orange County, N. Y., in 1857 and the following years.

The first farmers' co-operative organization to attain national prominence was the Patrons of Husbandry, popularly called the Grange⁸⁰, started in 1868 at Fredonia, N. Y. It had a very rapid growth, especially in the Upper Mississippi Valley and by 1875 it had over 500,000 members. The Grange was started as a social organization but soon became interested in economic problems and started co-operative purchasing agencies, stores, factories, grain elevators, livestock shipping associations, creameries and insurance

companies. Most of these, with the exception of the insurance companies, either failed or passed into private hands. Following 1875 it declined rapidly, although it later revived and is now very important. Other organizations such as the Farmers' Alliance^o, the American Society of Equity, the Farmers' Union, the American Farm Bureau Federation and the National Government have actively promoted co-operatives. Their growth has been especially rapid since 1920. In 1930, there were 11,400 co-operative marketing associations with 3,000,000 members representing 2,000,000 farmers (a farmer may belong to more than one association) and doing an annual business of \$2,300,000,000.

[Newel H. Comish, *Cooperative Marketing of Agricultural Products*; B. H. Hibbard, *Marketing Agricultural Products*, Part II.]

P. D. CONVERSE

Coppage v. Kansas (236 U. S. 1). By 1915 thirteen states had enacted laws prohibiting the employer from requiring as a condition of employment the signing of individual contracts not to affiliate with unions (*see* Yellow-dog Contract, The). In *Coppage v. Kansas* (1915) the Supreme Court held that such statutes violated the Fourteenth Amendment^o, and that the ruling in the *Adair case*^o that employers could discharge workers because of their affiliation with unions implied the right to insist upon non-union pledges as a condition of employment.

[Commons and Andrews, *Principles of Labor Legislation*; R. E. Witte, *The Government and Labor Disputes*.]

ROYAL E. MONTGOMERY

Copper Industry. Prior to European occupation the natives of America were using virgin copper hammered into ornaments, knives and other artifacts without the intervention of smelting. The mining of cupric ores was begun by colonists in Connecticut and New Jersey, and slowly other copper deposits were discovered and exploited on the Atlantic slope. The deposits on the southern shore of Lake Superior were known to the Canadian Jesuits as early as 1667, but this information was not shared with strangers.

Dr. Douglas Houghton accompanied Gen. Lewis Cass to this region in 1830, rediscovered the copper and publicized his find; commercial operations, however, did not begin until 1846. These mines yielded pure copper, hence their product did not require expensive reduction. Before the electrical industry began its heavy demands upon the copper supply new sources were discovered in Arizona and Montana; prior to the requirements by the automobile industry the rich deposits in Alaska and the plentiful supply of low-grade ore in Utah were opened.

Various processes are applied to different types of ore. In general, the operations following the first separation of grosser impurities are crushing, concentration, smelting—which ordinarily separates gold, silver and dross from the matte (or blister)—and, lastly, refining. After this stage comes the manufacture of sheets, shapes, rods and wire.

These operations involve the use of much capital and technical skill, hence the industry is largely concentrated into the management of a few corporations. Anaconda^o is the principal owner of the Montana mines, Kennecott, through a subsidiary, owns the Utah deposits; Phelps, Dodge Corporation controls much of the Arizona copper, Calumet & Hecla, the Michigan supply.

The heavy munition demands of the period 1916–20 induced overproduction. To meet this situation a Copper Exporters Association was formed to finance shipment abroad. A similar cartel from time to time since has been operating.

Copper is so widely used that its price is one of the important indices of business activity. It is a metal essential for war: every rifle cartridge case contains a half ounce of it, to say nothing of the numerous other munition demands. Electrical supplies, automobiles, shipbuilding and building hardware all consume much copper. From 1925 to 1929 America produced 51% of the world smelter-copper output about 750,000 short tons annually, worth about 15 cents per pound.

[F. Ernest Richter, *Copper Mining Industry in the United States, 1845-1925*, in *Quarterly Journal of Economics*, Vol. XLI, T. A. Rickard, *A History of American Mining*; R. G. Raymer, *A History of Copper Mining in Montana*.]

ROBERT G. RAYMER

Copperheads, also Butternuts, were terms used to describe Democrats opposed to the war policy of Lincoln. The term Copperhead first appeared in the New York *Tribune* for July 20, 1861, and within a year was common. Strongest in Ohio, Indiana and Illinois, the Copperheads were encouraged by Democratic successes in the elections of 1862.

Generally described as treasonable, the Copperheads, or Peace Democrats, advocated a union restored by negotiation rather than war. They denounced military arrests, conscription, emancipation and other war measures (*see* Arrests, Arbitrary, during the Civil War). C. L. Vallandigham^o of Ohio was their chief spokesman. His arrest in May, 1863, for alleged disloyal statements embarrassed the Lincoln administration. Other leaders were Alexander Long of Cin-

cinnati, Fernando Wood of New York, and B. G. Harris of Maryland. Prominent newspapers supporting the Copperheads were the *Columbus Crisis*, the *Cincinnati Enquirer* and the *Chicago Times*.

Their lack of sympathy for the Confederates was shown by the Copperheads in July, 1863, when they joined Unionists in defending Indiana and Ohio during the Morgan raid²⁷. Persecuted by the military and the Union League²⁸ the Copperheads organized in 1862 the "Knights of the Golden Circle,"²⁹ borrowing the name and ritual of a "Southern rights" organization of the 1850's. The organization was known as the "Order of American Knights" in 1863, and the "Sons of Liberty"³⁰ in 1864, when Vallandigham became supreme commander. He counseled them against treason and violence. In 1864 extremists of the order were charged with plotting the formation of a "Northwestern Confederacy"³¹ and planning the release of Confederate prisoners at Camp Douglas³² near Chicago, and elsewhere. The "plot" was uncovered before any overt acts took place. In the fall of 1864 six "Sons of Liberty" were tried for treason before a military court in Indiana, and three were condemned to death, including L. P. Milligan³³.

The Copperhead element in the Democratic party was able to control the party platform in 1864 which included a plank written by Vallandigham pronouncing the war a failure and demanding peace on the basis of a restored Federal union. The successful termination of the war discredited the Copperheads, but the Democratic party was handicapped for some years because of its wartime Copperhead affiliates.

[E. J. Benton, *The Movement for Peace Without a Victory during the Civil War*.]

CHARLES H. COLEMAN

Copperheads (Pennsylvania ca. 1840). The term Copperhead was used in a political sense as early as 1840 to designate the Democratic followers of Andrew Beaumont in Luzerne County, Pa., who were opposed to the Democratic faction led by Hendrick B. Wright. The term probably expired years before it was revived in the Civil War.

[*Republican Farmer*, Wilkes-Barre, 1840, *passim*; *Proceedings*, Wyoming Historical and Geological Society, XVI, 37.]

JULIAN P. BOYD

Coppoc Case, THE. During the winter of 1857-58, John Brown quartered some of his followers on a farm near the Quaker town of Springdale, Cedar County, Iowa. Edwin and Barclay Coppoc joined Brown in July, 1859, and participated in his attack on Harpers Ferry³⁴. Edwin Coppoc

was executed. Barclay Coppoc escaped but was later compelled to leave Springdale to evade extradition by Virginia authorities.

[Thomas Teakle, The Rendition of Barclay Coppoc, in *The Iowa Journal of History and Politics*, Vol. X.]

RUTH A. GALLAHER

Copyright, in the United States, rests upon the act of March 4, 1909, which, with certain amendments since added, constitutes the present copyright law (U. S. Code, title 17).

It grants to authors and proprietors, upon compliance with certain formalities, exclusive right to publish, copy or exploit their works for twenty-eight years with (as at present amended) a possible renewal for twenty-eight years more, upon publication of the work bearing the statutory notice of copyright. It covers all published and certain unpublished works in the domain of literature, music and art.

Two copies of the work (or, for unpublished or foreign works, one copy) must be deposited and registered in the Copyright Office, Library of Congress. The fee is two dollars or, if unpublished, one dollar.

Books in the English language are required to be printed in the United States to secure the full term of protection. Copyright is granted to foreign authors only of those countries with which the United States has established reciprocal copyright relations.

Infringement of copyright is punishable by injunction and payment of damages for which suit may be brought in the Federal courts.

*From 1930 to 1936, inclusive, Mr. Brown was United States Registrar of Copyrights, and the above signature during that period appeared on every certificate of copyright issued by the U. S. Copyright Office—a total of some 900,000 certificates.

Copyright Legislation was enacted in most of the original states between 1783 and 1786. The first Federal copyright act was passed by the first Congress May 31, 1790. It covered only maps, charts and books, and was secured by deposit of title in the clerk's office of the local district court. It applied only to United States citizens.

A new copyright law was enacted in 1831. The first term of protection was extended to twenty-eight years and a notice of copyright was required to be printed in the work. This law was revised in 1870. The scope of copyright was enlarged but still required American manufacture of the books. The business of recording copy-

rights was transferred to the Library of Congress⁷⁰ and the printed copies were to be deposited there (*Revised Statutes of the United States*, 1873, title 60, sections 4948-4971).

The act of March 3, 1891 (the so-called International Copyright Act) first extended copyright in certain cases to foreign authors. The act of March 4, 1909, made important changes in the law. Publication of the work with the notice of copyright in it now initiated the copyright, but deposit of copies and registration must follow (see Copyright).

WILLIAM LINCOLN BROWN

Corinth, Miss., Battle at (1862). After the battle of Shiloh⁷¹, the Union troops occupied Corinth. On Oct. 3, Van Dorn (C.) attacked with 20,000 men. The advanced lines of Rosecrans (U.), who had about equal numbers, were broken and next morning the Confederates assaulted his main position. A ferocious conflict ensued, the assailants actually entering the town. But, suffering heavy losses, the Confederates retreated to Holly Springs⁷². Van Dorn lost 4838 in killed, wounded and missing; Rosecrans 2520.

[*Battles and Leaders of the Civil War*, Vols. I, II; *Official Records, Union and Confederate Armies*, Vol. X, Parts 1, 2; Vol. XVII, Parts 1, 2.]

JOSEPH MILLS HANSON

Corn (Indian corn, maize), the king of American cereals, was found by European explorers in native cultivation from the Great Lakes southward. All available evidence points to its origin in the Western Hemisphere, though the area, as the ancestry of its genesis, is still largely conjectural. Historically the plant is known only in the cultivated stage, and by the time of colonization all of the fundamental varieties had been developed. The Indians of North America had worked out an elaborate culture system—selection of ground, fertilization where needed, field arrangement, planting with vegetable combinations, protection of seeds and young plants, cultivation, harvesting, storing, grinding and cooking—that was followed in essentials by American farmers down to the period of mechanization. The place that the great food plant had in the life and thought of the native peoples is indicated by the rites, ceremonies and legends which attended its growth and harvest. Bayard Taylor's poem, "Mondamin," recounts the coming of the maize god to the Ojibways, and Longfellow describes Hiawatha's struggle with this deity. This popular attachment for a plant whose extent and value was to exceed that of all other cereals combined soon became and has continued a national tradition, reflected in its place in

harvest festivals, native art—landscapes, decorative designs, corn palaces—in corn songs, and folk tales. The New World dominance of its native cereal is further evidenced in its usual designation by the generic term for grain, "corn," rather than by the European adaptation of the Indian name, "maize."

In the colonies corn was the basic food product that enabled the initial settlements to persist and contributed largely to the prosperity of all. European grains had to be acclimated, but the long-developed indigenous staple was ready at hand. The Jamestown settlement was preserved by timely purchases from Indian stores, and the Pilgrims soon learned how to grow their food in an inhospitable soil and rigorous climate. In the main production belts of the colonies—extracting, farming and planting—the adaptable plant found an essential place as food and feed. But the use of this home product, then as later, was largely at home.

In both colonial and national commerce but a trifling proportion of grain and meal was exported. Its liability to deteriorate in long shipment and the prejudice of Europeans against its use have limited its foreign market. As compared with wheat breadstuffs, the corn shipments in the colonial West Indian and southern European trade were insignificant. In the period 1840-60, before the rise of the large wheat trade, the value of corn and meal exports was less than a quarter of that of wheat and flour, and the percentage of the total crop was too small to have appreciable effect on the market. During the intensified European demand of the World War only about one and one-half per cent was sent overseas. The main form of marketing, home and foreign, has always been through fattened livestock.

In the westward movement⁷³, North and South, corn proved the most available and dependable frontier crop. It flourished alike in forest clearings and on the freshly broken prairie where the first crop of sod corn brought quick returns. In the systems of commercialized production that emerged from the frontier its dominance persisted. Other monarchs of the field rose and declined but King Corn maintained his rule.

For the plantation economy corn and pork furnished the food standbys. In 1840 nearly one half the nation's crop was in the slave states and by the Civil War the per capita production was still far above the average, as it has continued to be in this section. But by the time of that struggle of the sections the center of the basic cereal was moving steadily westward into a region where a diversified rotation, in which the main crop was used for fattening cattle and hogs,

was establishing the Corn Belt[™] economy. Here appropriate rotation has made for relatively progressive methods and physiography and large-scale production have facilitated the early introduction and wide use of machinery.

In the dairy regions, notably Wisconsin and the Northwest, corn has had its chief utilization in the ensiling process developed in the 1880's. The corn silo, making the fullest and most economical use of the most reliable crop, and one that permits a desirable rotation, has become an essential adjunct of the American milk industry.

While the great proportion of the crop has been fed to stock, the corn plant has provided the materials for manufacturing industries which consume normally about 10% of the total yield. Milling by various processes provides meal, grits, flakes and hominy. Corn refining dates from the 1880's, but the main advances have been made since the World War. Starches, sugar and syrup of various grades, and corn oil are among the leading products. From early times in home stills and distilleries corn has been made into alcohol, the output varying with fluctuating beverage and industrial demands. In addition to the processing of the grain, cobs, husks and stalks have been the basis of some of the new synthetic chemical industries.

With the general and basic importance of corn in American agriculture it has been natural that it should have been given a leading place in the investigations of the experiment stations. Adaptations have been made by cross-breeding to secure hardier, stronger resistant and larger producing strains, and constant efforts have been made to combat diseases and pests. Agricultural economists have given special attention to costs of production and marketing systems of corn and its products. The interrelation of all these problems of production, marketing and utilization was recognized by the establishment at the Iowa station in 1935 of a corn research institute.

[Paul Weatherwax, *The Story of the Maize Plant*; P. W. Bidwell and J. I. Falconer, *History of Agriculture in the Northern United States, 1620-1860*; L. B. Schmidt and E. D. Ross, *Readings in the Economic History of American Agriculture*.]

EARLE D. ROSS

Corn Belt, THE, is the region of somewhat variable limits extending from western Ohio to southeastern South Dakota and southward along the Missouri River, including most of Indiana, Illinois, Iowa, southern Minnesota, eastern Nebraska and Kansas, and northern Missouri, in which corn production was localized between the 1850's and the 1880's. Hog and cattle fattening of locally bred and imported feeder stock has

predominated, with cash grain growing and dairying variant subordinate activities. Oats, clover and winter wheat have provided the leading crop combinations.

[O. E. Baker, *The Corn Belt*, *Economic Geography*, Vol. III.]

EARLE D. ROSS

Corn Borer, THE, was introduced into the United States and Canada from southern Europe in infected broom corn about 1910. By 1925 an area of 25,000 square miles in eastern New England, eastern New York, and a fringe about Lake Erie including parts of New York, Pennsylvania and Michigan had been invaded. While the moth with its devastating larva has moved somewhat farther into the Corn Belt[™], it has been effectively checked by state and Federal quarantines and the destruction of infected plants.

[*A Progress Report on the Investigations of the European Corn Borer*, Bulletin, United States Department of Agriculture, 1927; *Yearbook of Agriculture*, 1928-34.]

EARLE D. ROSS

Corn Islands, THE, of Nicaragua, comprising Great Corn and Little Corn, were leased to the United States by the Bryan-Chamorro Treaty[™] (1914), which embodied terms for construction of a transcontinental canal. Although they may be fortified, so far (1939) only a lighthouse on Little Corn has been constructed.

[Dana G. Munro, *The Five Republics of Central America: Their Political and Economic Development and Their Relationship with the United States*.]

WHEELER PRESTON

Cornet, Lowest ranking commissioned officer in a cavalry troop, who carried the cornet, or standard; derived from Britain, where it existed until 1871. In the United States used in the light dragoons and legionary cavalry of the Revolution and in the light dragoons organized in 1792. Designated second lieutenants, 1799; re-designated cornets, 1800-1802 and 1808-15.

[Francis B. Heitman, *A Historical Register and Dictionary of the United States Army*.]

DON RUSSELL

Corning Letter, THE (June 12, 1863), was a public letter of President Lincoln to Congressman Erastus Corning and other New York Democrats, in which, explaining his use of arbitrary arrest[™], he inquired rhetorically: "Must I shoot a simpleminded soldier boy who deserts, while I must not touch a hair of a wily agitator who induces him to desert?"

[J. G. Randall, *Constitutional Problems under Lincoln*.]

MARTIN P. CLAUSSEN

Cornstalk, Murder of (1777). The Shawnee^{qv} chief, Cornstalk, had promised to keep peace with the whites, but was unable to control his warriors. In the autumn of 1777 he came to Fort Randolph (Point Pleasant, W. Va.), at the mouth of the Great Kanawha River to notify that an outbreak was impending. The commandant detained Cornstalk and two companions as hostages, but when a soldier without the fort was killed by skulking Indians, the militia rushed in determined on revenge, and, though their officers attempted to restrain them, shot down Cornstalk and the other hostages. Thenceforward for many years the Shawnee tribe was hostile to all the frontier settlements.

[R. G. Thwaites and L. P. Kellogg, *Frontier Defense on the Upper Ohio*.]

LOUISE PHELPS KELLOGG

Coronado's Expedition (1540-42) resulted from imaginary tales told in Mexico by Friar Marcos de Niza of having seen boundless wealth in gold, silver and gems in the seven cities of Cibola^{qv}. Niza's yarns met ready credence, for the golden harvests of Cortés in Mexico and Pizarro in Peru were of recent occurrence. Every footloose man in New Spain was eager to enlist for the conquest of Cibola under the banner of Don Francisco Vasquez de Coronado, governor of New Galicia, who was commissioned by the viceroy as commander.

With an army of 300 Spanish horsemen, several of them men of noble blood, and 800 Indian footmen, Coronado departed for the north Feb. 22, 1540. Since this was to be a colonizing as well as a gold-finding venture, herds of sheep and cattle were taken as food for the army and as stockers for the ranches.

The *conquistadores*^{qv} traversed much of Arizona and New Mexico, discovered the Grand Canyon^{qv} and captured the Cibola cities, which were nothing but pueblos^{qv}, whose most precious gems were a few turquoises and abalone beads. The next summer the army was lured on a second rainbow chase by the lies of Turk, a Plains Indian living as a captive at Pecos pueblo, who, after being shown a piece of gold by a credulous *conquistadore*, said that such stuff was so plentiful in Quivera that the people did not care for it. Early in July, 1541, Coronado and thirty other horsemen came to the grass wigwams of the Quiverans, where they feasted on luscious sand plums, but found no gold. George Parker Winship locates Quivera in central Kansas. It also has been located by others in six other Plains states. Coronado, disappointed, returned to Mexico, having added much to the world's

knowledge of geography. Three of his Franciscan priests remained behind as missionaries and were slain by the Indians.

[George Parker Winship, *The Journey of Coronado*; Paul A. Jones, *Coronado and Quivera*.]

BLISS ISELY

Corporation Tax. The corporate form of business organization was first used as a device to secure capital to construct turnpikes, canals and other types of public utilities^{qv}. The early corporations, since they were instrumental in furnishing services which were greatly desired, were regarded as public benefactors, and were encouraged through the grant of tax exemption. They grew in size and power, and it was not long before the public began to feel that it was being exploited by these former benefactors and to demand that steps be taken to secure justice to the public. One easy weapon to use was taxation.

The first tax levied upon corporations by the states was that in most general use, the general property tax. It soon became evident, however, that this tax was not suited to the complex organization of the corporation, and special taxes began to be levied. The most important of such taxes was some sort of levy upon capital stock. The method of levy varied from state to state, but the "corporate excess" plan, first developed in Massachusetts, and often known as the Massachusetts plan, received most general acceptance. Under this plan the value to be assigned to the capital stock for purposes of taxation was to be the difference between the market value of the stock and the value of the tangible assets of the corporation. Many difficulties were encountered, especially with the use of bond issues, in calculating the value of the assets; and modifications of the original plan are found in many states. A few states experimented with the taxation of gross earnings, but this proved unsatisfactory and has been discontinued.

In recent years a definite trend has developed among the states to levy a tax upon the net income of corporations. This has become possible because of the rather definite concept of net income which has developed in recent years. In a few states, moreover, the tax upon net income is levied at progressive rates. The only justification for this is that more revenue is thus secured. Progressive rates are intended better to arrive at ability to pay and, since corporations are inanimate, it can scarcely be said that they have ability or lack of ability. Since the tax upon a corporation is reflected in a burden upon the stockholder, the use of progressive rates may re-

sult in greater injustice than would the use of proportionate rates.

The Federal Government first levied taxes upon corporations in 1909. This was an excise tax upon the corporation and was to be measured by 1% of the net income. The device of an excise tax was to circumvent the constitutional restriction upon the use of direct taxes by Congress. The Supreme Court concurred in the circumvention and the tax has continued to be used. After the adoption of the Sixteenth Amendment⁷⁰ in 1912, however, such a tax could be levied directly. The tendency has been to increase the rates and, in recent years, to make them slightly progressive. As a regulatory measure in 1936 a tax was levied upon undistributed profits. This drew so much criticism that modifications were made and a profits tax is now combined with the income tax. The tax ranges from 8% to 15% on the net income and from 7% to 27% upon the proportion of undistributed net income to the net income.

Other levies, both by the states and by the Federal Government, may be considered as taxes upon corporations. Each state exacts an incorporation fee, without the payment of which no corporation can come into existence. The Federal Government makes a levy upon the issuance of stocks and bonds and also upon the transfer of shares of stock. Several states, likewise, levy a tax upon the transfers of shares of stock. In the State of New York, especially, this tax is productive of much revenue.

[H. L. Lutz, *Public Finance*.]

MERLIN H. HUNTER

Corporations. The first chapter in the history of business corporations in the United States deals with the great trading companies of the 16th and 17th centuries, such as the London and Plymouth companies, the Massachusetts Bay Company, and the Hudson's Bay Company⁷¹. These bodies played a large part in the establishment and support of European colonies in North America, and influenced subsequent developments principally in two ways. The political forms of government adopted by the colonies during and after the Revolution were largely modeled on the administrative structures of the companies; and the colonists' deep-seated distrust of corporate franchises, which to them were almost equivalent to royal monopolies, was responsible for placing the power of incorporation with the individual states.

The second chapter extends roughly from the Revolution to the Civil War. It was a period of small businesses, at least by later standards,

when the incidents of property ownership to a considerable degree were concentrated in the owner, and when the "free competition" of classical economics is sometimes alleged to have prevailed. The interval was marked by a growth in the size and number of corporations and by the extension of the corporate form from the fields of banking, water supply and turnpike and canal communication, where it was first utilized, to other areas of enterprise, to railroads, insurance, manufacturing and trade. It was also characterized by the long politico-legal struggle that liberalized the method of incorporation by substituting the general incorporation statute for the individual charter granted by a specific legislative act.

Since the Civil War the corporate has come to be the dominant type of organization in almost every line of economic activity except agriculture; the "corporate system" of business has been established, comparable to the "guild system" of the Middle Ages; corporate securities have come to be one of the principal forms of property; and the giant corporation, with its "separation of ownership and control," its "absentee landlordism," and its new prerogatives and responsibilities for corporate managers, has appeared. During this period the growth of individual companies has been paralleled, through the increase in population and the improvement in transportation, by the expansion of markets for their products, so that the growth of particular firms does not in all cases appear to have been synonymous with the increase of monopoly in the economic system.

The growth of business corporations since 1800 has been dependent upon and, in turn, has stimulated changes in corporate law and the method of incorporation. In 1750 little of the law of corporations applied specifically to business corporations, since almost all of the then existing law had emanated from the needs of noncommercial entities, notably municipalities and eleemosynary bodies. The chief developments in corporate law during the last 150 years have arisen from problems peculiar to business organization, in particular the promotion of new business ventures and the rights of the different participants—owners, creditors, managers—in commercial enterprises.

In the 18th century corporations were erected by special charters granted by specific enactment, which typically were closely scrutinized by the sovereign power. Such study of charter provisions served as the Government's principal method of regulation. The change in the method of incorporation began with the use of model char-

ters, such as the charter of the Union Bank founded in Massachusetts in 1792, which served as a pattern for all Massachusetts bank charters until 1811, and the regulating statute, such as the Massachusetts Turnpike Act of 1805, which for many years controlled the origination and operation of Massachusetts turnpike companies. The New York act of 1811 is generally considered to be the first general incorporating statute, although it was of limited application. The Connecticut act of 1837 was much broader and more flexible. The New Jersey act of 1875, which embodied many provisions long sought by business and gained in individual instances by particular companies through special enactment, is commonly viewed as the first modern "liberal" incorporating statute, although the Delaware law, based on the act of 1899, has come to be the current prototype. The creation of corporations under forty-nine sets of laws has been a continuing problem.

Modern corporate law and practice tend to produce a situation that may be summarized: Any group of persons can gain for any legal undertaking full corporate privileges with a small amount of effort and expense; corporations have as much liberty in the management of their property as have individuals; not only the actual operations of an undertaking but also the rights of the participants, even the alteration of such rights, are subject to the control of the management.

In 1800 there were some 300 business corporations in the United States, of which 90% had sprung up since 1789, and not more than 25 were engaged in manufacturing or trade. It seems improbable that any of these employed more than 1000 or at the most 2000 persons, and it seems unlikely that any had more than a few hundred security holders. Before 1825 practically no corporate securities were traded on the New York Stock Exchange²⁷, and in 1830 only one corporation, aside from the Bank of the United States²⁸, had a capital as large as \$2,000,000. It has been estimated that in 1936 there were at least 550,000 corporations in the United States and that they did at least 60% of all the business done in the country. In certain lines their activities amounted to a much higher percentage of business done; it has been estimated that the electric light and power²⁹ and the communications industries were entirely controlled by corporations, and that corporate concerns accounted for at least 90% of the trade in the fields of transportation, mining and manufacturing. In 1937, 195 concerns, exclusive of their subsidiaries and exclusive of all railroad companies, employed more than 10,000

men each, and 780 firms had unconsolidated gross assets of \$50,000,000 or more apiece. At least one firm had upwards of 600,000 stockholders and consolidated assets of more than \$5,000,000,000. At the beginning of 1936 there were listed on the New York Stock Exchange 1185 stock issues with a market value of nearly \$50,000,000,000 and 1462 bond issues with a face value of almost \$43,000,000,000.

The corporate form of business organization and the factory system of production are the two mechanisms that implemented the technical discoveries of the Age of Science and carried forward the Industrial Revolution³⁰. Immortal, able to sue and be sued in its own name, capable of amassing huge conglomerations of capital, the business corporation furnished the legal and financial, if not the administrative, framework necessary for the tremendous volume of physical production of the last 150 years. In so doing, it altered not only its own position in society, but in significant respects, the social structure itself.

[A. A. Berle and G. S. Means, *The Modern Corporation and Private Property*, J. G. Blandi, *Maryland Business Corporations, 1783-1852*; J. S. Davis, *Essays in the Earlier History of American Corporations*; G. C. Henderson, *The Position of Foreign Corporations in American Constitutional Law*; R. C. Larcom, *The Delaware Corporation*.]

CHARLES C. ABBOTT

Corrick's Ford, Skirmish at (July 14, 1861). Threatened by the superior force under Gen. George B. McClellan (U.), Confederate troops retreated eastward, after an unsuccessful stand at Rich Mountain³¹, and were overtaken at Corrick's Ford. A skirmish ensued which terminated the first Confederate invasion of northwest Virginia.

[Hu Maxwell, *History of Tucker County*.]

MORRIS P. SHAWKEY

Corrupt Bargain, THE (1825), refers to the charge made by the Jacksonians that Henry Clay had supported John Q. Adams in the House presidential election in return for the office of Secretary of State (see Campaign of 1824).

[J. S. Bassett, *The Life of Andrew Jackson*.]

ERIK MCKINLEY ERIKSSON

Corrupt Practices Acts. Nearly fifty years ago, following the enactment of the British Corrupt and Illegal Practices Act, the American states began to pass laws to prevent those election practices which were deemed contrary to public morals and decency. The New York Law, adopted in 1890, was the first; Colorado, Michigan, Massachusetts, California, Missouri and Kansas followed during the next three years. Bribery,

treating, illegal registration and voting, and other unsavory and improper election practices, were included within the purview of these early so-called corrupt practices acts. These penal statutes, however, are to be distinguished from so-called publicity laws⁷⁰, which, with the first Federal Publicity Law in 1910, amended in 1911 and 1912, came to be looked upon as necessary supplements to the corrupt practices acts. In 1918 a Federal Bribery Law was enacted, and in 1925 the present Federal Corrupt Practices Act became law. Today the Federal Government and all of the states, except Rhode Island and Illinois, have legal provisions dealing with corrupt practices and publicity of campaign funds.

In Arkansas, Florida, Idaho, Mississippi, South Carolina, Texas, Vermont and Washington the laws regulate only nominations and do not apply to elections⁷¹; and in Arkansas, Florida, Georgia, Idaho, Louisiana, North Dakota, South Carolina, Texas, Vermont, Virginia and Washington they impose requirements upon candidates but do not apply to political parties⁷². But in no fewer than thirty-four states and the Federal Government, we find reasonably comprehensive—but ineffectively enforced—legislation dealing with campaign funds (*see Campaign Resources and Uses*). These state laws are extremely diverse, but there are certain fairly uniform requirements running through most of them. All of them contain provisions against bribery, and most of them contain provisions against contributions from corporations. They differ only in the ways in which they carry out these purposes. The provisions of these laws may be grouped into eight classes: (1) publicity concerning campaign receipts and disbursements; (2) limitations on the amount or size of expenditures and contributions, (3) enumeration of the purposes for which money can be expended; (4) restrictions as to the sources of campaign funds; (5) definitions of the persons and committees who may disburse money; (6) enforcement provisions; (7) penal provisions, and (8) miscellaneous.

[E. R. Sikes, *State and Federal Corrupt Practices Legislation*; James K. Pollock, *Party Campaign Funds*; Louise Overacker, *Money in Elections*.]

JAMES K. POLLOCK

Corruption in Political Life. Legal definitions of many forms of political corruption are found in the statute books of the Federal Government and of all our states, notably in election laws generally, and particularly in Corrupt Practices acts (*see Campaign Resources and Uses*). Bribery, which always involves corruption, is dealt with by various sections of the penal law. From a broad ethical point of view political corrup-

tion may be defined as the intentional misperformance or neglect of a recognized public duty, or the unwarranted exercise of power, with the motive of gaining some more or less directly personal advantage.

Corruption is by no means a recent development in American politics, witness the land jobbery that went on in the earliest sessions of Congress. From a comprehensive viewpoint, however, it is evident that the worst manifestations of this character have not occurred in the Federal Government. As striking exceptions which more or less prove the rule, the Whiskey Ring scandal during Grant's administration and the Teapot Dome scandal⁷³ of Harding's administration may be mentioned. It is, rather, in state and metropolitan city governments that the most noisome and numerous outbreaks of corrupt politics have occurred. Among the former, Pennsylvania while subject to the Cameron-Quay-Penrose dynasty from 1867 to 1922, and New York under Boss Platt from 1888 to 1909, are outstanding examples; but Rhode Island, New Jersey, Illinois, Indiana, Louisiana, California and others have at periods been dominated by corrupt rings. Among large cities the worst excesses of corrupt rule have occurred in New York under Tammany bosses such as Tweed⁷⁴, Kelly, Croker and Murphy, and in Philadelphia under M'Manes, Durham, McNichol and the Vare⁷⁵ brothers. Chicago, Boston, Pittsburgh, Cincinnati, St. Louis, Minneapolis, New Orleans and San Francisco have also suffered at various times from corrupt political rule. Even in smaller municipalities and villages, in counties and other local government units, scandals of this nature are by no means unknown.

Just as political corruption has manifested itself in every area of government—national, state and local—so also it is found in every branch of government—executive, legislative and judicial. It should be noted, however, that the last-named is free from taint in large degree; as a rule it is only in the lower courts, particularly in police and magistrates' courts under boss rule, that the evil exists. On the other hand, legislatures have been accused of many forms of corruption, e.g., "pork barrel"⁷⁶ appropriations, crooked franchise grants, bills designed to "shake down" business interests and the like. As government undertakes the regulation of industry in ever greater measure, opportunities of the latter sort become more numerous and lucrative. It was shown during the Lorimer⁷⁷ investigation in Illinois that businesses affected by proposed enactments pooled their interests, paying off crooked legislators through a "jack pot." Machine control of

administrative agencies, however, yields the most continuous flow of tribute. Taxes and contracts are manipulated; prisons, hospitals and asylums are brought under control; legitimate business men as well as criminals, racketeers, prostitutes and peddlers of narcotics are forced to buy "protection." Under prohibition⁷⁰ there was an enormous nation-wide expansion of opportunities for crooked exploitation. Finally, it should be noted that owing to the large and increasing number of civil servants the form of corruption known as the spoils system⁷¹ flourishes most widely in the administrative branch of government.

In addition to governmental agencies proper, the operation of party organizations affords wide scope for corruption, particularly in the collection and disbursement of campaign funds. By direct bribery of voters or more recently by the practice known as political charity considerable sections of the electorate are brought within the vicious circle.

Allowed to develop without restraint corruption would ultimately paralyze the operations of government and destroy its moral authority. In spite of the extremes to which it has sometimes gone in the United States, opposition has never been lacking. Moreover, as a result of these extremes, powerful machines⁷² have been wrecked and their leaders sent to prison, legislative investigating committees have exposed abuses, administrative reforms have made their repetition difficult, higher standards of efficiency and honesty have been set up, municipal government has been reorganized.

[Louise Overacker, *Money in Elections*; James K. Pollock, *Party Campaign Funds*; Carroll H. Woody, *Case of Frank H. Smith*.]

ROBERT C. BROOKS

Corwin-Doblado Treaty, THE, signed April 6, 1862, was negotiated to enable Mexico to prevent foreign intervention to force payment of debts, and to improve trade between the United States and Mexico. The United States was to lend Mexico \$11,000,000, and Mexico was to pay interest semiannually at the rate of 6%. The loan was to be secured by unsold nationalized mortmain property of the Church and Mexican government lands, and administered by a mixed commission chosen by the two governments. The treaty was ratified by Mexico, but not by the United States.

[N. A. N. Cleven, *The Corwin-Doblado Treaty*, *The Hispanic American Historical Review*, Vol. XVII.]

N. ANDREW N. CLEVEN

Cost of Government in the United States includes Federal, state and local expenditures. A phenomenon characteristic of each is its increas-

ing total. The Federal Government in 1792 spent only \$5,000,000, yet it required \$4,000,000,000 in 1928, and over \$7,000,000,000 in 1935. State government cost \$77,000,000 in 1890, \$1,800,000,000 in 1929, and \$2,500,000,000 in 1932. Local units (counties, cities, etc.) expended \$487,000,000 in 1890, \$6,800,000,000 in 1928, and over \$7,000,000,000 in 1932. This growth has not been uniform, tending to expand disproportionately in war and depression periods. Furthermore, until recent years local outlays have tended to increase more rapidly than Federal and state outlays, the latter two following in the order given. In ordinary times local units account for nearly one half of total costs, the Federal Government for about one third, the states for one sixth.

The figures quoted above are absolute. Whether these mounting costs are increasingly burdensome depends upon relative changes. Variations in the price level have caused some exaggeration in the actual figures, though probably not as much in governmental costs as in others due to the relatively rigid nature of certain of the former expenses. Per capita expenditure, another relative test, increased from \$17 in 1901 to \$180 in 1929, proof that governmental expenditures have increased more rapidly than population. The amount of national income taken by government for its activities is another relative test. In 1890 this amounted to 7.3% and to 11.5% in 1928. These estimates indicate therefore that our governmental costs are growing relatively as well as nominally.

One of the major reasons for the increase in national expenditures has been the growth in commitments directly and indirectly due to war. It has been estimated that the Federal Government has spent over \$52,000,000,000 in this way (1775-1921) and that 79% of its total expenditures (1789-1920) has gone for national defense. In 1928 thirty-nine cents of the Federal tax dollar went for military purposes and an additional forty-one cents for debt services arising almost entirely from war indebtedness.

The increasing number and variety of governmental functions are another reason for larger budgets. These have resulted from the substitution of public for private endeavor and the penetration of new fields of service. The latter have been primarily social, economic and cultural and account particularly for the rapid rise in local expenditures, the new functions being more urban than rural in character. Under this classification will also fall the phenomenal increase in outlays, particularly Federal, immediately after 1930 for relief and recovery purposes. Local units have concerned themselves increasingly with edu-

cation, sanitation, fire protection and policing; state governments with schools, institutions and highways; the Federal Government with conservation and economic regulation.

Even if there had been no expansion of functions, the thirtyfold increase in our population (1790-1930) alone would account for a substantial part of the greater cost of government. Also the complicated governmental organization based on state and Federal jurisdictions necessary to cater to this greater number of people has unavoidably introduced duplication, waste and inefficiency, all of which add to the expense of administration.

The continued expansion of governmental functions and costs has occasioned some disquietude. To combat the latter several states have imposed debt and tax limitations upon their subsidiaries and in a few instances upon themselves. No comparable restriction exists for the Federal Government. Whether one agrees with this principle of restraint depends upon one's concept of government and its functions.

[*Recent Social Trends in the United States*; E. D. Fagan and C. W. Macy, *Public Finance*; A. G. Buchler, *Public Finance*; D. R. Dewey, *Financial History of the United States*; National Industrial Conference Board, *Cost of Government, 1923-1934*.]

W. B. LOCKLING

Cost of Living. Among the low-income classes, whose income is used almost wholly for current consumption, standards of living depend on real income—on the ratio of money income to the price of the items forming the standard of living. Efforts to maintain or to raise living standards, either by forcing prices down or by forcing income up, have had profound effects on American history. A change in cost of living is a change in the general level of the prices of the goods and services purchased by those whose cost of living is being measured. A given cost-of-living index must therefore be limited to specified groups of the population with comparatively small differences of income and with habits of consumption not radically different. It is not possible to trace the changes in the general level of prices even of the goods and services purchased by such groups except during recent decades. There is an almost infinite complexity of prices and quantities of goods in the innumerable markets throughout the country, and there are peculiar difficulties in measuring the cost and the relative importance of services as distinguished from commodities. Even if adequate price data could be obtained, the continuous measurement of changes in cost of living would not be practicable. Because of household industries and services, gardening and the relatively self-sufficient nature

of family and community life in earlier generations, a specified income then had a radically different relation to living standards than the same income had in later periods, even without a change in the price level.

During the last three decades of the 19th century, the governments of several states, notably Massachusetts, collected extensive statistics of wages and prices²⁷. This information throws light on standards of living, but shows no continuous record of changes in cost of living. One of the duties of the Federal Commissioner of Labor, as defined by law in 1888, was the study of "the comparative cost of living, and the kind of living." In 1891 the Senate directed its Committee on Finance to study the effects of tariffs on various aspects of national economy, including wages, prices and cost of living. The committee in turn directed the Commissioner of Labor to obtain the required information. The ensuing inquiries laid the foundation for the modern study of cost of living. Limited wage and price data were obtained for the years 1840 to 1891, and much more extensive statistics were collected for a period of twenty-eight months. The budgets of workingmen's families in various cities and industries were analyzed. Later family-budget studies included a survey in 1902 of the annual incomes and expenditures of 25,440 families. At the same time, the retail prices of foods were collected for the years 1890 to 1902. Efforts were made to trace continuously the course of the cost of living by means of an index of food costs extending back to 1890. But this was an extremely crude measure of cost of living because of imperfections in the technique of constructing the index and especially because of the fact that food prices do not change in the same way as the prices of other items. In addition, the relative importance of food as a budgetary item varies.

After the World War, there was an intensified interest in wages both as costs of production and as consumer income. A new family-budget survey was undertaken for 1918 and 1919, covering 12,096 families. Prices were obtained for various items other than foods. These items were classified as clothing, rent, fuel and lighting, house furnishing goods and miscellaneous goods and services. Improvements in the meantime had been made in the technique of constructing index numbers. On the basis of the new family-budget data and the prices of the various items of the typical budget, a cost-of-living index was constructed for the period beginning in 1913, for wage earners and lower-salaried workers in the larger cities.

After the World War and during the depres-

sion beginning in 1929, the consumption habits affecting the relative importance of the different items composing the ordinary family budget underwent significant changes. New family-budget studies, long recognized as desirable, were undertaken in the latter part of 1934, not only for assigning new weights to the several items in the cost-of-living index for wage earners and lower-salaried workers, but also for obtaining basic data on costs at various levels of living.

In the various unofficial computations of cost of living, predominant use has been made of the official statistics of prices and family budgets. Indexes of cost of living have been used extensively in estimating changes in real wages, in carrying on wage negotiations, and in studying the problems of standards of living.

[U. S. Bureau of Labor Statistics, Bulletin No. 357, *Cost of Living in the United States*, Washington, 1924; F. M. Williams and C. C. Zimmerman, *Studies of Family Living in the United States and Other Countries: An Analysis of Material and Method*; F. M. Williams, M. H. Hogg, and E. Clague, *Revision of Index of Cost of Goods Purchased by Wage Earners and Lower-Salaried Workers*, in *Monthly Labor Review*, September, 1935, reprinted as Serial No. R. 289.]

WITT BOWDEN

"Cost-Plus" System, THE, of contracts, intended to reduce profiteering during the World War, replaced lump-sum competitive bidding in three fourths (over \$12,000,000,000) of the Government's purchases of war materials, especially munitions, aircraft, ships and shipbuilding yards, and camps and cantonments. The producer was compensated with the entire "cost" of production, "plus" a stipulated profit (either a fixed fee or a percentage of costs). Careful cost accounting and the promise of bonuses to manufacturers as a reward for economy partly checked profiteering; but in general the blanket assumption of all costs and risks of production by the Government encouraged inflated overheads and padded salaries.

[J. F. Crowell, *Government War Contracts*.]

MARTIN P. CLAUSSEN

Costume. See Dress.

Côte des Allemand is a designation applied to the right bank of the Mississippi River approximately thirty miles above New Orleans. It derived its name from circumstances in connection with its settlement. By land grants in 1721, Bienville induced Alsatian colonists, returning to Germany from John Law's Arkansas River concession following the collapse of Law's financial schemes (see "Mississippi Bubble"), to settle in this district.

[J. H. Deiler, *The Settlement of the German Coast of Louisiana and The Creoles of German Descent*.]

W. B. HATCHER

Cotton, its origin unknown, yet its presence in pre-Inca Peru and India established, was taken from the Bahamas to the court of Spain by Columbus in 1492. Within the present confines of the United States, cotton seeds are said to have been planted first by Spanish colonists in Florida (1536), and later (1606) by the first English settlers in Virginia.

Production and manufacture of cotton did not flourish in the colonies. Attempting to keep the colonies dependent, England by the act of 1660 reserved for the exclusive use of English manufacturers all colonial products which could not be produced at home, listing "cotton-wool" among these commodities. In 1672 she prohibited intercolonial commerce. She held and continued to hold a strict monopoly on textile machinery. It was slow, difficult and expensive to clean seeds and impurities from cotton fiber. Other products (tobacco, rice, pitch and tar) were more profitable for the struggling colonists.

After the outbreak of the Revolution came a demand for domestically produced garments. Freed by the Revolution from restrictions on manufacture and trading in cotton, cultivation of the fiber was encouraged. Seventeen sixty-four to 1785 had seen the invention and development of textile power machinery in England by Hargreaves, Arkwright[™], Crompton[™] and Cartwright, thus increasing that market for raw cotton. With England still holding a monopoly on machinery, cotton manufacture in this country made little progress until 1789 when Samuel Slater, who had worked under Arkwright in England, came to Rhode Island and in Pawtucket built from memory a cotton mill equipped with power machinery manufactured in this country.

The invention of Eli Whitney's cotton gin[™] in 1793, by removing the handicap of arduous hand labor in the preparation of cotton for spinning, appreciably lessened its cost and greatly stimulated its production and consumption. Cotton quickly became one of the major factors in the country's social, economic, political and industrial life. An ever-increasing demand for raw cotton at home had begun; European wars (1793-1815) gave an unprecedented foreign demand for agricultural products at great profit. Production and exports increased rapidly. In 1790 only 1,500,000 pounds of cotton were produced and 189,500 pounds exported. In 1808, 75,000,000 pounds were produced and 10,630,445 pounds exported.

There had been, in the late 1700's, a strong movement toward abolition of slavery[™], but development of cotton culture furnished the economic reason for its continuance and growth. At

the outset, the small amount of cotton had been cultivated by white labor. The new demand for and the scarcity of white labor in the South necessitated recourse to the use of slaves. Once the cultivation was turned over to slave labor, a stigma became attached to work in the cotton fields for white workers. Likewise, competition with free labor was rendered uneconomical and impractical. Both for social and economic reasons the tide of immigration was diverted from the South.

Cotton, as no other staple crop, conformed perfectly to conditions necessary to profitable use of slaves. Its cultivation was simple, requiring only unskilled labor to which the ignorant Negro could be adapted. Cotton gave nine months' employment per year and permitted mass utilization of labor. By 1820 the large plantation slave system⁷⁰ was taking the lead, and by 1840 it had displaced the small planter working with hired labor.

Cultivation of cotton was so profitable that it soon became the major money crop of the South. Although least exhaustive to the soil of the great staple crops, continuous cultivation of the one crop and careless, wasteful handling of the ground by slaves caused a steady westward movement in search of new land. By 1860 abandoned cotton acreage in the Southern states far exceeded that under cultivation. Cotton and slavery had marched westward until they extended from the Atlantic across the Southern states and over a large part of Texas.

From 1840 to 1860 expanding manufacturing in England and our Eastern states absorbed increasing amounts of cotton. For example, in 1846, 766,598,581 pounds of cotton were produced of which 534,957,200 pounds were exported. In 1847, 1,851,390,762 pounds were produced and 773,986,000 pounds exported. The rising demand for and price of cotton, and the movement towards richer lands led to an increasing demand for more slaves. This demand encouraged a tremendous illicit slave trade⁷¹.

The plantation slave system caused the South to remain agriculturally and industrially backward. Its rich natural resources of iron, coal, timber and water power went almost entirely undeveloped. Great industrial progress was being made, however, in other sections of the country, and the South provided a rich market for New England manufacturers and Western agricultural products.

Raising raw material chiefly for export, the South bitterly opposed the high protective tariff⁷² policy fostered by the North to protect manufacturers. The tariff issue and the expansion of

the plantation slave system into areas which the North determined should remain free soil⁷³ brought the sectional divergence to a crisis and finally to war (*see* Civil War).

After the emancipation⁷⁴ of the slaves, pre-Civil War plantations were replaced by the use of tenants and share croppers⁷⁵, but the production of 1860 (2,275,372,000 pounds) was not again equalled until 1879 (2,404,410,000 pounds).

From 1880 to 1900, with 67% of the crop cultivated by tenant farmers⁷⁶, cotton again became the most important export commodity. Cotton mills sprang up in Southern towns. By 1910 one half of all the cotton spindles in the country were located in cotton-growing states. In that year 5,804,308,000 pounds of cotton were produced, of which 69% was exported. Cotton's importance economically to the country is indicated by the fact that the value of cotton exports in 1910 represented 29% of the value of our total exports.

Nineteen thirty-seven saw the production of 8,647,498,000 pounds of cotton, the greatest crop in the country's history, and it is estimated that the growing, manufacturing, and distribution of cotton furnish livelihoods to more than 13,000,000 Americans.

[E. L. Bogart, *Economic History of the United States*; M. D. C. Crawford, *The Heritage of Cotton*; H. U. Faulkner, *American Economic History*.]

CLAUDIUS T. MURCHISON

Cotton, Manufacture of. Commercial cotton manufacturing in America began with a mill period, starting in 1790 when Samuel Slater, an English mechanic, built our first successful power-spinning machinery at Pawtucket. This period lasted for thirty years or more in Rhode Island and vicinity, and longer in the West and South. Typical mills were small, owned by individuals or partnerships, equipped with English-type spinning frames, and situated in mill villages housing the families whose members, of both sexes and all ages, operated their machinery. They made yarns, which were woven on hand looms in country homes or by contract weavers. The fabrics made were usually small orders of ginghams and other patterned goods. This type of manufacture became a large-scale industry at Philadelphia, where as late as the Civil War hand-loom weaving sheds made fancy fabrics of yarns purchased from spinning mills.

In 1813 a corporation organized by merchants rather than artisans and millwrights built a factory at Waltham (*see* Boston Manufacturing Company) which combined ring spinning and power-loom weaving, based on American inven-

tions, in a complete process of manufacture. This factory and its larger successors in the Merrimac valley and elsewhere specialized at first in sheetings, drills and other plain fabrics produced on the quantity production system which later characterized American manufacturing. Until immigrant labor was employed, about the time of the Civil War, operatives in such establishments were mostly farmers' daughters who lived in company boarding houses run somewhat like the dormitories of ladies' seminaries.

This American factory system, which gave birth to the planned industrial city of Lowell, soon extended to the Mohawk Valley, where large mills were erected in conjunction with the newly developed power knitting, and, shortly before the Civil War, to a few centers in South Carolina and Georgia. Meanwhile technical improvements multiplied and varied factory output.

Before the end of the century the manufacture of heavy plain goods began to migrate from New England to the South. As a result the industry has declined in the Merrimac Valley. Meanwhile mule spinning and the print cloth manufacture have found their principal home around Providence, R. I. Today corporations often own plants in both sections of the country. Simultaneously electric power has made it possible to operate larger factories than when machinery was driven by prime movers in the plant itself. Early in the last century American drills and sheetings gained a foothold in Asiatic and Latin-American markets, which they have recently surrendered to Japanese competitors. Today our exports of cotton goods about balance our imports.

During the last two decades the concentration of the industry in the South Atlantic states has increased, and today these have nearly three times as many active spindles as New England. In value of product Massachusetts declined from first rank in 1919 to third rank, following North and South Carolina, in 1929. These three states and Georgia now make about two thirds of the cotton goods manufactured in the United States, which stands second only to Great Britain in the number of its cotton spindles.

[Caroline F. Ware, *The Early New England Cotton Manufacture*; Melvin Thomas Copeland, *The Cotton Manufacturing Industry of the United States*.]

VICTOR S. CLARK

Cotton Belt, THE, is the name given to the cotton-producing area of the United States. Beginning in South Carolina and Georgia in 1795 it spread north and west until in 1860 it reached western Texas, and contained approximately

400,000 square miles. Since the Civil War the belt has moved steadily towards the Southwest. Cotton is now produced in Arizona and in the Imperial and San Joaquin valleys of California, and irrigation⁷⁷ is opening up other regions. In 1929 states west of the Mississippi produced 62% of the total cotton crop of the United States.

Before 1860 the plantation system⁷⁸ and slave labor characterized the Cotton Belt. Today the plantations have been replaced by small holdings operated to a great extent by tenants and share croppers⁷⁹.

[U. B. Phillips, *Life and Labor in the Old South*; R. R. Russell, *Economic Aspects of Southern Sectionalism*.]

HALLIE FARMER

Cotton Control Act, THE. See Bankhead Cotton Act, THE.

Cotton Gin, THE, is a machine designed to separate cotton fibers from the seed. Though cotton has been known for many centuries, the difficulty of separating the fibers by hand long prevented wide use in textiles, though a rude gin was in use in India perhaps 300 B.C. Such gins were, however, useless in dealing with the upland cotton grown in the Southern states.

In 1792 a young Yale graduate, Eli Whitney, was living in the home of Mrs. Nathanael Greene, widow of the Revolutionary general, near Savannah, Ga. Hearing of the need for a machine to separate lint and seed, he set himself to devise such a contrivance. Mrs. Greene's manager, Phineas Miller, financed the undertaking. On June 20, 1793, Whitney applied for a patent⁸⁰, which was granted March 4, 1794.

The model was absurdly simple, and it seems almost incredible that the idea had not occurred to some one centuries before. Rows of metal spikes were driven into a wooden cylinder. These spikes extended between closely set metal bars into a box filled with raw cotton. When a crank was turned the revolving spikes pulled the lint through the bars leaving the seed on the other side. A rotating brush cleaned the spikes. Whitney calculated that a hand machine would do the work of ten persons, and one run by water power the work of fifty. This simple machine, as improved, changed the history of the United States and the world. Hodgen Holmes, a mechanic of Augusta, Ga., received a patent, May 2, 1796, for a gin in which circular saws were substituted for the spikes. Though declared to be an infringement of Whitney's patent, all gins now use saws.

Whitney and Miller planned to monopolize the industry, owning all the gins and charging

high toll for their operation. Owing to a fire they were unable to provide gins promptly. Later they offered to sell a gin for \$500, and the right to make one for \$400, subsequently reduced to \$200. As the rude machine could be made at small expense by any blacksmith or wheelwright in a few days, many were made without authorization. Expensive litigation followed. Finally South Carolina agreed to pay \$50,000 for the right to use the gin in the state. North Carolina levied a special tax for four years which produced about \$30,000, and Tennessee paid \$10,000. Little was received from Georgia. Though Whitney received only a small part of the wealth which his epoch-making idea created, the stories that he received nothing are manifestly untrue.

[D. A. Tompkins, *Cotton and Cotton Oil*; Holland Thompson, *The Age of Invention*.]

HOLLAND THOMPSON

Cotton Kingdom, THE, existed between 1830 and 1860 in the region reaching from South Carolina to Texas. Climatic conditions favored the production of cotton, and the entire life of the region was shaped by this interest. The most characteristic marks of the Cotton Kingdom were the plantation system and slavery⁹⁹. The plantation system developed because cotton was most cheaply produced on a large scale. Slavery supplied a cheap and abundant supply of unskilled labor.

The population was Anglo-Saxon, Celtic and Negro, and society was organized on a caste basis. At the bottom were the slaves, upon whose labor the whole system depended. Above the slaves was a large body of small farmers, tenants, small businessmen and professional people, the greater part of the white population. They owned a small part of the land and few slaves. At the top were the large planters—three or four thousand people—who owned most of the land and slaves and received three fourths of the annual income.

There was little community life in the Cotton Kingdom. No public schools existed, but the church flourished. Great planters supported the Episcopal and Presbyterian churches⁹⁹. Other groups turned to the more emotional Methodists and Baptists⁹⁹. The major interest, aside from cotton production, was politics. From this section came such leaders as John C. Calhoun, Robert Toombs and Jefferson Davis, and in it developed the doctrines of nullification, states' rights and secession⁹⁹.

Between 1830 and 1860 the Cotton Kingdom, in alliance with the West, controlled the Democratic party⁹⁹, and through it shaped the policies of the National Government. It forced the lower-

ing of the tariff⁹⁹ in the nullification controversy, and was in part responsible for the Mexican War⁹⁹, but the growing power of the industrial North and the alienation of Western support broke its control of the party. This led to secession, the Civil War⁹⁹, and the destruction of the Cotton Kingdom.

[William E. Dodd, *The Cotton Kingdom*.]

HALLIE FARMER

Cotton Money, certificates issued by banks upon baled cotton, was generally used in commercial and financial operations by planters in the Old South. When secession⁹⁹ demoralized the cotton exchanges, growers called upon the Government to issue cotton money. Mississippi, the only state to comply, issued \$5,000,000 in treasury notes to be advanced on 1861 cotton stored and pledged for delivery by owners upon the governor's proclamation at the raising of the blockade⁹⁹. Although planters clamored for additional issues of cotton money, the legislature refused to issue notes on cotton raised after 1861. Before the cotton money was repudiated in 1869 as part of the Confederate debt⁹⁹, over half of it had been redeemed.

[J. C. Schwab, *Confederate States*.]

JOHN K. BETTERS WORTH

Cotton States and International Exposition (Atlanta, 1895) was conceived late in 1893 by Georgia business and civic leaders. They felt that the South had been inadequately represented in the World's Columbian Exposition⁹⁹ of 1893. Many foreign nations and many American states participated, but since the promotion of the Pan-American idea was one of the principal objects the presence of the Argentine, Brazil, Honduras, Chile, Ecuador and Peru was especially effective. Noteworthy additions to the usual exposition buildings were those devoted to the Negroes and to women.

FRANK MONAGHAN

Cotton Whigs. See Conscience Whigs.

Cottonseed Oil, one of the major products of the cottonseed and one of our most important sources of fat, was not produced in commercial volume prior to 1855, due to lack of mechanical equipment for its recovery. In fact, the disposal of the seeds during the early years of the cotton ginning industry became so serious a problem that laws for their disposal were enacted in the various cotton-growing states. But, after the development of adequate machinery for the extraction of cottonseed oil, the industry expanded rapidly. During the early years, the oil was prin-

cipally used for making soap, though some was used in lard and other fats. With the development of deodorizing processes during the late 1880's, and hardening processes during the early 1900's, its use for human food increased rapidly, in salad oil, cooking oil, cooking fat, and oleomargarine. Today, virtually the entire cottonseed oil output finds its way to the table. Approximately 1,000,000,000 pounds are required to supply our needs each year.

M. K. THORNTON

Coughlin Movement, THE. See National Union for Social Justice, The.

Council, City. The legislative power of cities in the United States is vested in a popularly elected body known as a city council or city commission. Under the commission plan^o both legislative and administrative powers are combined in the same body. Under the mayor-council plan the legislative power is often shared with a popularly elected mayor. Under the city manager plan^o all powers of legislation reside in the council and it chooses an administrator to carry out its policies. The early city councils in the United States were large bicameral^o bodies. In recent years there has been a distinct trend toward unicameralism^o and small size. In 1937, Atlanta, Ga., Newton, Mass., and Richmond, Va., were the only cities of more than 30,000 with two-chambered councils. The modal number of councilmen was nine, with a maximum of seventy-two (in New York City) and a minimum of three. The term of office is almost equally divided between two and four years.

[International City Managers' Association, *Municipal Year Book*, 1937.]

HARVEY WALKER

Council Bluffs. This city, on the Missouri River in southwestern Iowa, began as a Potawatomi^o village clustered about an army blockhouse built in 1837, and a year later given to a Jesuit missionary. Scarcely had the Indians been removed to Kansas when the Mormons^o began to arrive in June, 1846. At their town, named Kaneshville, big wagon trains were organized for the long journey across the plains to Great Salt Lake^o and to the gold fields of California^o. In 1853 the state legislature changed the name to Council Bluffs. There, in 1864, President Lincoln located the eastern terminus of the Union Pacific Railroad^o.

[C. H. Babbitt, *Early Days at Council Bluffs*.]

JOHN ELY BRIGGS

Council for Foreign Plantations, THE (1660), was one successor of Cromwell's Colonial Board

(the other being the Council for Trade). Appointed to secure a more uniform system of colonial government and to enforce the newly enacted Navigation Act^o, its members represented such varied groups as statesmen, merchants and colonial administrators. The Council functioned chiefly as a bureau of investigation and reported its findings to the Privy Council^o. In 1665 it expired, its work being assumed by a Privy Council committee, but in five years it was revived. In 1672, merged with the Council for Trade, it became the Council for Trade and Plantations. Abolished again in 1674, its duties the following year were entrusted to the Committee for Trade and Plantations of the Privy Council, known as the Lords of Trade^o.

[G. L. Beer, *The Old Colonial System, 1660-1754*, Vol. I.]

CHARLES F. MULLETT

Council for New England was the name under which the survivors of the Plymouth branch of the Virginia Company^o, chartered in 1606, were reorganized and incorporated by a charter in 1620. The Council received the land on the Atlantic coast between 40° and 48° N. Lat., extending from sea to sea, within which huge area it was granted, along with the authority to colonize and to govern its colonies, monopolistic trade and fishing rights. Though in many respects the Council appeared to be a trading company, it more nearly resembled the royal council of the Virginia Company, for in the charter no mention was made of General Courts or freemen^o, and it was a closed corporation of forty members. From the outset its members, who were nobles and landed gentry rather than merchants, were more interested in developing the land than in trade. This they planned to do by granting the greater part of the region to its members as fiefs and manors organized as nearly as possible according to English land law. The rest of the land was to be given to others, singly or in groups, with rights of local self-government, but subject to the superior authority of the Council's governor general. Sir Ferdinando Gorges, President of the Council, was the dominating figure throughout its whole history. His son Robert was appointed the first governor general and went to New England in 1623 to take up his duties and to found a subordinate colony for himself and family. His project succeeded no better than those of most members of the Council, and he soon departed for England. From time to time the Council tried to reorganize so as to give more vitality to the enterprise, and considered exchanging the charter for one which better represented the landed interests of its members.

Nothing, however, came of these attempts. The enterprise as a whole failed, but New England was colonized through the unexpected success of two small grants to non-members. These two were destined to alter the character of expansion in New England, and to substitute for the Council's conception of a single aristocratic landed Anglican province several small independent Puritan middle-class colonies. The first of these patents was that of the Pilgrims[™] who settled on Cape Cod in 1620 and the other, the Massachusetts Bay[™] patent of 1628, confirmed the following year by royal charter.

The significance of the Massachusetts grant was that the Council for New England was eliminated as intermediary and the grantees held land with powers of government directly from the king. This alien wedge spoiled the unity of the Council's plans for developing New England under its direction, and brought from that body the charge that the grant had been surreptitiously obtained. In order to bring about the annulment of the Massachusetts charter, the Council decided to surrender its "grand patent" and ask the king to regrant the whole region in eight parts to eight of its members previously chosen by itself. The process of negotiating the transfer would enable the eight new lords proprietors to require the confirmation of all previous grants by the Council, including the original one to the Massachusetts Bay group. In 1635 the Council therefore surrendered its charter and designated the eight members who would receive the land divisions by royal charters. *Quo warranto* proceedings were begun against the Massachusetts Bay Company, and Sir Ferdinando Gorges was appointed governor general of New England in order to preserve the administrative unity of the region as formerly planned. But this vigorous campaign was interrupted by the Puritan Revolution in England. Only one charter, that of Maine to Gorges[™], made its way through the seals, and the proceedings against Massachusetts Bay came to nought. On the other hand, twenty years of civil war in England gave the Puritans the necessary breathing spell in which to strengthen their foothold and develop the region into a number of little Puritan colonies more or less centering around Massachusetts, the only one of them to hold a royal charter until after the restoration.

[C. M. Andrews, *The Colonial Period of American History*, I; H. L. Osgood, *The American Colonies in the Seventeenth Century*, I.]

VIOLA F. BARNES

Council Grove, Kans., derived its name from a grove at the Neosho River crossing where early

western travelers gathered to form wagon trains. There, Aug. 10, 1825, the Osages[™] signed a treaty granting right of way to the Santa Fé trail[™]. Seth Hays, in 1847, established at Council Grove the first settlement on the trail west of Westport, Mo. It became important as the "jumping-off" point for the seventy-day wagon trek to Santa Fé.

[William G. Cutler, *The History of Kansas*.]

PAUL I. WELLMAN

Council of Appointment, The New York, created in the first state constitution (1777) to check the appointive power of the governor, consisted of the governor and one senator from each of the four great districts, elected annually by the assembly. The claim of the Council members to have concurrent right of nomination with the governor was upheld by the Constitutional Convention of 1801. The Council became the nucleus of a powerful political machine which by 1821 had patronage of 14,950 offices with an aggregate salary list of over a million dollars. It was abolished by New York's second constitution and ceased to exist on Dec. 31, 1822.

[H. M. Flick, *The Council of Appointment in New York State*, *New York History*, Vol. XV.]

HUGH M. FLICK

Council of Censors, Pa., was provided for by the Pennsylvania Constitution of 1776, to be composed of two men from each city and county, elected for seven years, and authorized to inquire into the efficiency of the executive and legislative departments and to amend the constitution. Meeting only once, it failed in its purpose.

[Selsam, *The Pennsylvania Constitution of 1776*.]

H. H. SHENK

Council of National Defense, THE, consisting of six Cabinet members and an unpaid civilian Advisory Committee, was created by Congress Aug. 29, 1916, to investigate transportation and industrial mobilization problems and manage the "creation of relations" looking toward the concentration and utilization of the nation's resources in wartime. On paper it thus became America's first indecisive step toward the Nation-in-Arms. Actually, organization was not completed until March, 1917, and though the Council continued a *de jure* existence, lack of appropriations after 1920 limited its experience to the war period itself. As the parent body of the War Industries Board[™], it was useful in the early stages of industrial mobilization, losing ground gradually to more authoritative agencies. The Council, especially its Women's Committee, re-

mained an important instrument for the mobilization of civilian forces, leaders claiming a nation-wide network of about 184,000 state and local organizations and committees through which flowed the policies, programs and propaganda of the Federal Government.

[W. F. Willoughby, *Government Organization in War Time and After.*]

WAYNE GROVER

Council of Revision, The New York, was part of the system of checks and balances^{ee} incorporated in the first state constitution (1777). The veto power was vested in this Council, which was composed of the chancellor, the judges of the Supreme Court or any two of them, and the governor. It was abolished by the Constitution of 1821. (*See also* Council of Appointment, The.)

[A. B. Street, *The Council of Revision of the State of New York.*]

A. C. FLICK

Counterfeiting was not of great importance in the colonies, since what coin was in use was almost entirely of foreign extraction, while the bills of credit^{ee} issued by the various colonies between 1690 and 1764 were frequently so depreciated as to make counterfeiting unprofitable.

The Constitution gave Congress the right to punish counterfeiters of securities or currency of the United States, and from shortly after the adoption of the Constitution laws have been passed providing penalties for the counterfeiting of securities, coins, notes of the Government, and notes of various classes of banks which have had the issue privilege.

In the period prior to the passage of the subsidiary coinage act of 1853 many private issues of copper coins appeared in circulation, but most of these were genuine imitations and were not at the time unlawful.

The worst period of counterfeiting in the history of the country was the three decades prior to the Civil War. It was estimated that from 1% to 2% of the entire metallic circulation was counterfeited toward the end of this period, while altered and counterfeit state bank notes^{ee} were so prevalent that merchants found the use of published "counterfeit detectors" a necessity.

The secret service^{ee} was established as a division of the Treasury in 1864, and has since devoted its energies to the apprehension of counterfeiters with a high degree of success.

[Annual Report on the Finances for 1861; N. Carothers, *Fractional Money*; H. White, *Money and Banking.*]

FREDERICK A. BRADFORD

Counting in the Alternative. Under the complicated system of choosing presidential electors^{ee}

and counting their votes a situation has occasionally occurred when technical objections arise to the vote of a particular state, as for instance in 1857, when a blizzard prevented the electors of Wisconsin from meeting and casting their votes on the day prescribed by law. The above term is used to describe a method by which the total vote is stated with and without the disputed vote.

[Edward Stanwood, *History of the Presidency.*]

W. A. ROBINSON

Country Store, The, was the dominant form of mercantile organization in the early years of settlement in most sections of the United States. Because the isolation of the community compelled farmers to obtain most things locally, country storekeepers carried a varied assortment of goods. Even though the log or frame exterior of his establishment was unimposing, the merchant performed a real service in dispensing coffee, tea, sugar, salt, clothing, medicine, books and hardware to the surrounding territory. In accepting farm products for store goods he acted as a marketing agent for the farmer. Many country merchants supplemented their incomes by serving as local postmasters, jobs enabling them to provide the latest news. Ricketty, wooden chairs around the old box stove, ash-filled containers for addicts of the weed and barrels of whiskey in the back room for the free use of customers enhanced the social importance of the store. Such services made the establishment the chief contact with the outside world and a social center for the community. However, improved transportation and specialized merchandising have broken the monopoly of the old country store, although many still survive by carrying small stocks to meet the immediate needs of near-by farmers and by acting as agents for the collection of perishable produce.

[Paul H. Nystrom, *Economics of Retailing.*]

LEWIS E. ATHERTON

County Fairs, a peculiarly American agricultural institution, arose in the second decade of the 19th century. Fairs for the purpose of buying and selling on the pattern of the mediæval fairs had been held in colonial times, but the first county fair in its distinctly American interpretation was fostered by Elkanah Watson, a gentleman farmer who exhibited sheep in the square at Pittsfield, Mass. The first modern fair was held under his promotion in 1811 and was followed by the organization of the Berkshire County Agricultural Society, which held fairs regularly thereafter. Mr. Watson worked indefatigably to promote the Berkshire plan in every

county in New York and New England. The movement had a mushroom growth, and Watson claimed that all the counties in New England with the exception of those of Rhode Island had county fairs. State aid was given in many places and during the 1820's the institution reached a peak. A gradual decline then set in, and the fair almost entirely disappeared. With the renewed expansion of agriculture in the 1840's there was a revival of the institution with hundreds of societies springing up and holding fairs during the next three decades. This enthusiasm has continued to the present time with unabated interest. The 20th century shows a small, steady increase in the number of fairs, with a doubling of the attendance. Fairs stimulate the raising of good products by offering premiums for the finest specimens exhibited, and they advertise the product, often bringing buyer and seller into contact. Needlework, cooking and household art are displayed. Club exhibits of boys and girls encourage interest in farm life. The fair offers manufacturers an opportunity to exhibit their most improved machinery and hastens the discarding of obsolete models. Last, but not least, it offers social intercourse and entertainment to country folk. Horse racing, balloon ascensions, airplane flights and in recent years automobile racing, have furnished the biggest attractions.

[Wayne Caldwell Neely, *The Agricultural Fair*.]

EVERETT DICK

County Government. The institutions of government in the approximately 3000 counties in the United States had their origins in the English counties; they have been maintained here through three centuries with surprisingly little modification. While the town or township forms of local government organization developed in the North Atlantic states, the county developed in the South and West, where a vast expanse of territory and predominantly agricultural pursuits were conducive to a larger local unit.

The size of the typical county was determined, it has been said, by the family cow, and the distance that a man could travel between milking time in the morning and milking time at night, hence today these units are too small and too numerous. Each has a board of county commissioners of three or five members, or a larger board of supervisors. In each, there is the usual list of elected "row officers," coroner, clerk, prothonotary, register of wills, sheriff, treasurer, etc. The whole is characterized by a notorious absence of administrative control. Each county either constitutes a judicial district, with its own

county court, or is a part of a district composed of two or more counties.

Long neglected by students of government, the county was correctly characterized by one writer in 1915 as the dark continent of American politics; of late, many studies have been published, and much progress has been made in the reorganization of counties and county government, and in the improvement of its administration, especially in North Carolina and Virginia. (*See also* Local Government; Political Subdivisions)

[William Anderson, *The Units of Government in the United States*; Arthur W. Bromage, *American County Government*; John A. Fairlie and Charles M. Kneier, *County Government and Administration*; W. Brooke Graves, *American State Government*; Lane W. Lancaster, *Rural Local Government*; Kirk H. Porter, *County and Township Government in the United States*.]

W. BROOKE GRAVES

County-Seat Wars. As an accompaniment of the "town-booming" craze following the Civil War, several Western states were disturbed by controversies over the location of county seats. In Kansas there were twenty-eight such contests. Nebraska and the two Dakotas experienced county-seat troubles to a lesser extent.

Trickery and fraud were commonly practised in county-seat elections and there were occasional riots and even gun fights. Martial law in affected counties was more than once declared by the governor of the state. During the Leoti and Coronado contest in Wichita County, Kans., three residents of Leoti were killed in a street fight at Coronado, Feb. 27, 1887. Leoti eventually won the county seat.

In the course of the Hugoton and Woodsdale contest in Stevens County, Kans., the sheriff and three other residents of Woodsdale were killed by Hugoton men, July 25, 1888. Col. Samuel N. Wood, of Woodsdale, who prosecuted the alleged slayers, was himself killed, June 23, 1891, at Hugoton. The case against the slayers eventually was dropped and Hugoton is today the county seat.

The Cimarron and Ingalls contest in Gray County, Kans., resulted in the killing, on Jan. 12, 1889, of a resident of Cimarron, and the wounding of seven men in a street battle at Cimarron, when an Ingalls contingent sought unsuccessfully to carry away the county archives. The county seat was retained at Cimarron.

Collapse of the "short-grass" land boom ended county-seat struggles.

[*Kansas Historical Quarterly*, February, 1933; Everett Dick, *The Sod-House Frontier*.]

PAUL I. WELLMAN

Coureurs de Bois, or "bushrangers." This term

is applied to the very considerable number of persons who left the early French settlements in Canada, in defiance of authority, and took to the wilderness, actuated by love of adventure and a desire to profit by the fur trade^o. During the latter half of the 17th century the migration assumed almost the proportions of a mass exodus, and seriously weakened the colony of New France. In spite of government edicts and the hostility of the Jesuits^o, the *coureurs de bois* flourished, some of the more prominent among them being Radisson^o, Groseilliers, Du Lhut and Perrot. While they were accused of debauching the Indians, they did render valuable service as explorers and pioneers in the fur trade. A picturesque, adventurous type, they are not to be confused with the *voyageurs*^o, or *engagés*, of the later fur trade.

[C. W. Colby, *Canadian Types of the Old Régime*; W. B. Munro, *The Coureurs de Bois*, Massachusetts Historical Society, *Proceedings*, Vol. LVII.] WAYNE E. STEVENS

Court Day. In Virginia and other Southern states the county has always been an outstanding political unit and the county court, until recently, a typical institution. Each month, on court day, people from all parts of the county assembled at the county seat to attend court and to transact various kinds of business. Even where circuit courts have now superseded county courts, the traditional county court days are still signalized by motley throngs in the respective county towns. The horse trading and fist fighting of former years have given place to the advertising and vending of sundry wares; shopping is indulged in; and many who congregate on the public square and the sidewalks gossip leisurely with old friends.

[John W. Wayland, *A History of Rockingham County, Virginia*.] JOHN W. WAYLAND

Court Leet, in English law, was a court exercising the jurisdiction of the sheriff's tourn over petty criminal matters. In colonial Maryland leet jurisdiction was exercised by the proprietors of manors of 2000 acres under authority issued by the proprietary in 1636. The only records extant are those of the Court Leet and Court Baron of St. Clement's Manor, held by Thomas Gerrard, and running from 1659 to 1672. Both freeholders and leaseholders sat in the court and a presenting jury was employed. Police-court matters were dealt with and tenants swore fealty to their lord and paid relief. This court was a curiosity which had no permanent influence on the American judicial system.

[*Maryland Archives*, Vol. LIV.]

RICHARD B. MORRIS

Court of International Justice, Permanent.
See World Court, The.

Courtesy of the Senate is a time-honored custom commonly observed by the United States Senate when considering presidential nominations to Federal offices. If, for example, the person nominated to be collector of customs at San Francisco is objected to by one or both of the California senators, the Senate will generally, although not invariably, refuse to confirm the appointment as a matter of course, provided the objecting senator belongs to the same political party or party faction as the President. If both senators are party colleagues and one favors while the other opposes confirmation, the preference of the senior senator is likely to prevail.

[J. Bryce, *The American Commonwealth*, C. R. Fish, *Civil Service and the Patronage*.]

P. ORMAN RAY

Courthouse Rock, a notable landmark on the Oregon Trail^o, is located about five miles south of the present town of Bridgeport, Nebr., and fifty miles from the Wyoming line. In 1846 the trail ran seven miles from this natural formation. This rock and clay castlelike landmark, estimated to be 250 feet high and to cover an acre, is said to have been named by the fur traders because of its likeness to the courthouse in St. Louis. Jail Rock, about forty yards east, was so named because of its close proximity to the larger landmark. A few miles to the west was Chimney Rock^o.

[Morton and Watkins, *History of Nebraska*.]

EVERETT DICK

Courts-Martial are tribunals of the United States Army and Navy established by Congress for the punitive exercise of military command power under the Constitution^o in the enforcement of "The discipline necessary to the efficiency of the army and navy." In our military and naval establishments they are of three more or less similar kinds, differentiated by maximum punishment power, consisting respectively of (1) general courts-martial, (2) special courts-martial and (3) summary courts-martial, in the Army, and of (1) general courts-martial, (2) summary courts-martial and (3) deck courts, in the Navy. In general, the statute-fixed jurisdiction of such tribunals covers criminal as well as essentially military offenses of army and navy members.

[*Manual for Courts-Martial*, U. S. Army, Revised in the Office of the Judge Advocate General of the Army and published by direction of the President, Washington, 1927.]

WILLIAM M. CONNOR

Courts of the Plains were of two kinds. The first existed under Mexican law by which the enforcement of range *bandos* and the settlement of disputes between *rancheros* and *vaqueros* was vested in the *Jueces del Campos* (Judges of the Plains). These officers attended stock roundups on the great ranches, i.e., rodeos^o or cattle gatherings and *recojedas* or horse gatherings, and settled conflicting claims of ownership. They were also peace officers and had somewhat the local dignity, importance and powers of an English justice of the peace. In California the office and functions were recognized and continued by state laws, and the courts of the plains functioned until the breaking up of the great land-grant estates in the latter 1870's.

The term was also applied to the impromptu popular tribunals set up for the enforcement of justice along the emigrant trails across the Great Plains. They met the necessity for punishing crime and enforcing law and order in the absence of other courts and law enforcement officers. The members of these courts of the plains were usually chosen from the abler, more conservative, and most respected men of the community and their deliberate procedure and judgments, like those of the later vigilante committees^o, had the approval and backing of the better element as distinguished from ordinary lynch law and mob violence generally.

[*Statutes of California, 1851*; H. H. Bancroft, *Popular Tribunals*.]

WILLIAM S. LEWIS

Courts of the United States. See Judiciary of the United States; Supreme Court, The.

Coutume de Paris. THE, was the law administered in the courts of French colonial Canada and Louisiana^o and was originally the customary feudal law of the Provostship and Viscounty of Paris. The *coutumes*, extended to the colonies by Louis XIV, were frequently supplemented by royal *édits* and *ordonnances* which were registered by the provincial councils in the same manner as by the *parlements* of France. Under British rule, after 1763, the military commandants, assisted by popularly elected justices, acted as judges in administering the *coutumes*. Although the English criminal code was introduced by the Quebec Act^o of 1774, the French civil law was retained until 1792. This legal system, modified by the Virginia Declaration of Rights^o, was continued on the American occupation of the Illinois country^o in 1778; and the laws of Northwest Territory^o also guaranteed to the French inhabitants existing *coutumes* in family relations and in descent and conveyance

of property. In Louisiana, the *coutumes* remained in force until the arrival of O'Reilly, who suppressed them and arbitrarily imposed the Spanish law in 1769.

[W. R. Riddle, *Michigan under British Rule, Law and Law Courts, 1760-1796*; C. W. Alvord, *The Illinois Country, 1673-1818*.]

RAYMOND C. WERNER

Couture's Operations. Jean Couture, a carpenter by trade, was left in command of Arkansas Post^o, established by Tonti while returning from his unsuccessful voyage down the Mississippi to meet LaSalle^o in 1686. After LaSalle's failure and the temporary suspension of French activities in that quarter, Couture deserted the French service. By 1696, this renegade French *couteur de bois*^o had found his way to Carolina, and in 1700 guided an English expedition from Charleston through the Cherokee^o country and down the Tennessee, Ohio and Mississippi rivers to the mouth of the Arkansas, establishing a trade which the French considered a menace after their permanent occupation of Louisiana^o. Details of Couture's activities are unknown, but his contemporaries called him "the greatest trader and traveller among the Indians for more than twenty years."

[M. W. Benjamin, *French History of Arkansas*, in *Arkansas Historical Society Publications*, II; Verner W. Crane, *The Tennessee River as the Road to Carolina*, in *Mississippi Valley Historical Review*, III; Philip M. Hamer, *Tennessee: A History, 1673-1932*, I.]

WALTER PRICHARD

Covenant, The Church, was the formal and public act of mutual engagement which, according to the theory of the New England clergy, should be entered into by the founders of a particular church and without which no church could come into being. It was called the "form" of a visible church; all New England churches were founded upon such an agreement and later recruits subscribed to the covenant; at times of revival the covenant was often unanimously "renewed." Insistence upon this theory was one of the peculiar characteristics of Congregational^o or Independent theologians as opposed to both Anglicans and Presbyterians, and the clergy of New England wrote more voluminously in defense of it than on any other single subject. Their argument contains the seeds of principles that were later to be transplanted to the realm of political theory, particularly the assertion that no society can have power over a man until he has voluntarily and explicitly contracted to accept its regulations.

[Williston Walker, *The Creeds and Platforms of Congregationalism*; Perry Miller, *Orthodoxy in Massachusetts*.]

PERRY MILLER

Covenant Chain, a term symbolizing an agreement between the English or French and the Indians. It is possible that actual chains of silver were presented, to be worn or preserved, but usually the covenant chain was a symbolic design woven in a wampum belt^o, presented by one party to an agreement to the other. Thus, at the meeting with the chiefs of the Six Nations^o during the Albany Congress^o in 1754, the commissioners from the colonies said, "We now solemnly renew, brighten and strengthen the ancient Covenant Chain, and promise to keep the same inviolable and free from rust." A chain wampum belt was presented.

[Sir William Johnson, Papers, in *Documentary History of New York*.]

ARTHUR C. PARKER

Covenants, Open. See Open Covenants, Openly Arrived at.

Covered Wagon, THE, has carried American history across the continent for two centuries. Born in Pennsylvania as the Conestoga wagon^o, constructed under various names but always of strength and capacity, it served nomadic America as no other vehicle could have done; the modern trailer^o continues the tradition.

It carried early migrants over the Cumberland; it carried Forty-Niners to California, Mormons to Utah, Americans determined on "Oregon for America" to the Far Northwest^o. Survivors remain in museums, the Conestoga original at Pittsburgh, Ezra Meeker's prairie schooner^o at Tacoma. But thousands have gone the way of even the stoutest timbers, like the bones of thousands who started with them; time has disintegrated all.

It was fundamentally a wagon box with framework of hoop-shaped slats over which was stretched a canvas tent that made it into a "covered" wagon. Each was drawn by several teams of horses, mules or oxen. Many were boat-shaped with oarlocks, that the wagon might be floated over streams, the animals swimming across.

The adventurers assembled at such points west of the Missouri River as Independence, or Council Grove^o, and organized into caravans for companionship and protection. On the way, at night, the wagons were formed into a hollow square as corral for the animals, sentinels were posted, and each man slept under his wagon, ready to defend his family and his goods against the perils of the unknown. It took four or five months to make the 2000-mile trek that lay between the Missouri and the Pacific.

[Katherine Coman, *Economic Beginnings of the Far West*; Seymour Dunbar, *History of Travel in America*; A. B.

Hulbert, *Paths of Inland Commerce*, in *Chronicles of America*, Vol. XXI; R. M. Keir, *March of Commerce*, in the *Pageant of America*, Vol. IV; Emerson Hough, *The Covered Wagon*, a novel.]

KEITH CLARK

Covode Investigation (1860). A partisan committee, headed by Representative John Covode of Pennsylvania, investigated President Buchanan's use of money and patronage to influence congressmen. Interpreting its powers broadly, the committee uncovered a few sinecures and some irregularities in printing contracts. The major purpose of obtaining campaign material for the 1860 election was realized in the publication of a voluminous report denouncing the Democratic administration.

[P. G. Auchampaugh, *President Buchanan and His Cabinet*; G. F. Milton, *The Eve of Conflict*.]

W. B. HESSELTINE

Cow, THE, was brought into all the North American colonies to reproduce an essential phase of Old World husbandry. Losses in transportation were excessive, at times as high as a third of the shipment, but conditions in most sections favored rapid multiplication. In the North the lack of forage crops for the long winters was a hampering influence. In the New England open-field system pasturage was in common, with a cowherd in charge. Pasturage requirements contributed directly to the extension of westward settlement. In the "back country"^o region from Pennsylvania southward cattle roamed on the open range, were branded and rounded up by the owners, or hunted as game animals.

The "native" colonial cows were of four main strains, English, Dutch, Danish and Swedish, with some Spanish mixtures from Florida and French from Louisiana and Canada. By inter-colonial trade there was an intermingling that in most cases obscured the original source. The classification of colonial stock was by color or size. Dairying^o and beef production were not generally specialized. Milk yield was small and butter and cheese generally inferior. The chief exception was in Rhode Island where special attention was given to the rearing and care of dairy herds and a cheese of superior quality was produced for export.

In the westward movement^o of production areas, whether plantation, range, or farm, the cow was an essential element of the enterprise—either for beef production, dairying, or a self-sufficing combination. With regional specialization attention was given to the selection and

adaptation of breeds and types. By 1850 the East was giving increasing attention to milk and its products, and the Ohio and Upper Mississippi regions to the beef supply. Much time and effort were wasted in the vain effort to develop the "dual purpose cow." But the application of sounder principles of breeding and selection in response to increasing market demands led to the modern specialized types.

The Devon strain in New England, the Dutch cattle of New York, and a careful crossing in Pennsylvania were the bases of improvements. The new Shorthorns were imported at the close of the Revolution and by the 1830's were becoming the dominant type of the West. Herefords were introduced by Henry Clay's foundation herd in 1817, but the breed did not become prominent until the days of the cattle boom in the 1870's. The Holstein became localized in central New York in the first quarter of the century, and in the same period the other leading milk breeds, the Channel Island group and the Ayrshire, were imported in sufficient numbers to give permanent establishment of their breeds.

The existence of the open range or "cow country"⁹⁹ for approximately two decades (1866-86) had a direct and determining effect upon the differentiation and improvement of beef breeds to meet the demands of a major industry. With the transition to the ranch and to the grazing-feeder relation of Great Plains and Corn Belt⁹⁹, beef type selection has been still further perfected.

Paralleling the development of specialized breeding and adaptation of the beef cow to provide the supply for a main portion of the modernized meat industry have gone the demands upon the sister bovine with the extension of the area of supply and the perfecting of new processes for the utilization of milk. The newer dairy areas while profiting from the experience of the old in the selection and management of herds have made their own contributions to this branch of husbandry.

The problems of both the beef and dairy interests have been dealt with by a combination of public and private agencies. State and Federal departments of agriculture have enforced inspections, quarantines and various eradication measures to combat diseases. Experiment stations⁹⁹ have conducted studies in breeding, nutrition and comparative production. Producers themselves have organized breeding co-operatives and cow-testing circuits. Associations of the leading breeders have been formed to regulate registry and to promote the interests of the group. The first herd-book to be issued was that of the Short-

horns in 1846, the Jersey followed in 1868 and the others date from the 1870's and 1880's.

[P. W. Bidwell and J. I. Falconer, *History of Agriculture in the Northern United States, 1620-1860*; L. C. Gray, *History of Agriculture in the Southern United States to 1860*; C. S. Plumb, *Types and Breeds of Farm Animals*.]

EARLE D. ROSS

Cow Country, THE, was the term frequently applied to that vast pastoral region in the West occupied by the range cattle industry⁹⁹. Its central portion was the Great Plains⁹⁹ area. The cow country came into existence in the decade following the close of the Civil War and grew rapidly until shortly after 1880, when it reached its greatest extent and the height of its importance.

At this time it included a region larger than the combined areas of all the countries of Western Europe, or more extensive than all that part of the United States east of the Mississippi devoted to agriculture. To assign to it definite boundaries even at any particular date is impossible since it was more than a geographic region. It was a state of society having for its economic basis cattle and the native pasturage on which they fed. At the time of its greatest extent, however, it included the greater part of the region extending from Mexico to Canada and from the central part of the second tier of states west of the Mississippi nearly to the Pacific Coast. To this region were brought herds of cattle from Texas as well as considerable numbers from the agricultural states farther east. These were spread over the ranges made available for grazing by the slaughter of the buffalo⁹⁹ and the placing of the Indians upon reservations.

After about 1885 the cow country rapidly declined, due to the westward advance of settlers (*see* Barbed Wire). Drilling deep wells and building dams to impound the rainfall made some additional lands available for grazing, but even so the range shrank rapidly. As railroads penetrated nearly every part of the West, more settlers came in, towns grew up, and society rapidly changed. By the close of the 19th century a definite cow country had virtually ceased to exist.

[Joseph Nimmo, *The Range and Ranch Cattle Business of the United States*; Frederic L. Paxson, *The Cow Country*, *American Historical Review*, Vol. XXII, No. 1.]

EDWARD EVERETT DALE

"Cow Custom" was the unwritten or common law of the range during the period when the range cattle industry⁹⁹ flourished on the Western plains. Since ranching operations were carried on largely upon the public domain⁹⁹ where all

had equal rights, "cow custom" dealt with such matters as what constituted prior right to grazing areas, the boundaries of ranges, rules governing roundups^o, the movements of cattle on trails, and the branding^o of unmarked and unbranded animals. Other matters included were rights to water, the erection of drift fences, and co-operative measures in the prevention of prairie fires^o, protecting a neighboring ranchman's cattle or caring for stray animals. Much of this was later translated into statutory law by such states as Wyoming and Texas which passed laws defining "mavericks"^o and regulating roundups. Such laws together with the sale of public lands to individuals, who inclosed them by barbed-wire^o fences, caused the customs formed in the era of the open range gradually to disappear.

[E. E. Dale, *The Range Cattle Industry*; E. S. Osgood, *The Day of the Cattleman*.]

EDWARD EVERETT DALE

Cow Towns. With the beating out of the Chisholm Trail^o in 1867 and the great cattle drives^o accompanying the expansion of the cattle-range industry^o, which reached the crest of its boom just before the epic die-up (*see* Blizzards) and the concomitant depression of 1886, the cow towns of history arose in all their gaudy glory. The first was Abilene^o, Kans. Wichita^o, Hays, Ellsworth, Newton, Hunnewell, Caldwell and Dodge City^o succeeded it or shared its patronage by riders fresh off the long trail. Ogallala, Nebr., Cheyenne^o, Wyo., Miles City, Mont., and Medora, of the Dakotas, had their day as cow towns also. In the 1880's Dodge City boasted of being the "cowboy capital of the world." But Abilene, Tascosa, Amarillo, Fort Worth^o, Wichita Falls—all in Texas—Prescott, Ariz., Greeley, Colo., and Las Vegas, N. Mex., were among outstanding cow-country centers.

There were two kinds of cow towns: those that fed off the cow country^o—the towns marking termini of the trails; and those that fed the cow country—distributing points for vast range areas and, after railroads were built, shipping points.

Many of the cow towns were during their heyday enlivened by buffalo^o hunters, railroad construction gangs, freighting outfits, etc. Cattle-men, the owners, made these towns headquarters for buying and selling. Here cowboys^o, after months of monotonous work, monotonous fare and monotonous abstinence of all kinds, were paid off and turned loose. It was their night to howl, and their day to get shaved, reclad in new clothes, and buy horseback equipment. Not only

to release spirits but to maintain a reputation, many of them cut loose to shoot up the town. As a class they meant no more harm by this than schoolboys mean with firecrackers on the Fourth of July. They seldom looked on the wine when it was red, but probably a majority of them drank "white mule" straight. The painted women were there to lure them. Gambling devices of every kind, run by a class of bloodsuckers that their experience with nature gave them no knowledge of, were there to bleed them of their wages. Everything was wide open all night as well as by day.

Each cow town had its boot hill—its graveyard populated by men who had died with their boots on. Yet murders by the range men were almost unknown. "Killings" were something else. Violence and ebullient spirits called forth a kind of "peace officer" that cow towns made famous—the town marshal Wild Bill Hickok and Wyatt Earp were perhaps the two best-known cow-town marshals.

A few places like Fort Worth, Cheyenne, Magdalena, N. Mex., and Duncan, Ariz., still carry on the tradition, in modified form, of cow-town days.

[J. Evetts Haley, *The X I T Ranch of Texas*; Stuart N. Lake, *Wyatt Earp*; Floyd B. Streeter, *Prairie Trails and Cow Towns*; Robert M. Wright, *Dodge City the Cowboy Capital*.]

J. FRANK DOBIE

Cowboy Songs.

What keeps the herd from running,
And stampede far and wide?
The cowboy's long, low whistle
And singing by their side.

Between the years of 1870 and 1890 probably 10,000,000 semiwild longhorn^o cattle were driven from Texas to Kansas and other northern markets. With each herd of from two to five thousand rode a group of cowboys to push them up the trail by day, to night-herd them after dark. Any unusual noise after the cattle were asleep might send them in a wild and destructive stampede. To drown those disturbing noises, the cowboys came to croon or yodel to the cattle. From these cattle calls grew some of the trail songs descriptive of cowboy life. So long as the cattle could hear a familiar voice crooning some cattle lullaby they had no fear of the howl of a wolf, the scream of a panther, or any of the sudden noises of the night. Thus they were soothed to sleep quietly by what the men sometimes called "dogie" songs. Singing by these lonely young buckaroos of the plains as they rode around the sleeping longhorns was sound economics, and the conditions were ideal for ballad

creating—night, the quiet stars, the unending prairies, brave young hearts adventuring. Cowboys sang because they were lonely and because singing helped them in their work. They sang around the campfire and in the cow-town saloons to amuse themselves. They sang the old ballads along with the sentimental songs of Tin Pan Alley⁷, and they made up new songs and adapted old ones which told about themselves and their work in their own lingo.

Whoopie-ti-yi-yo, git along little dogies,
It's your misfortune and none of my own;
Whoopie-ti-yi-yo, git along little dogies,
For you know Wyoming will be your new home.

A sudden rainstorm at night found all the cowboys riding round and round the milling circle of frightened cattle. Sometimes the lightning would play among the crowded animals so that myriad balls of fire would jump from tip of horn to tip of horn.

I've been where the lightning, the lightning, tangled in my eyes;
The cattle I could scarcely hold.
I think I heard my boss man say,
"I want all brave-hearted men who ain't afraid to die
To whoop up the cattle from morning till night
'Way up on the Kansas line."

Such stirring descriptive passages show that a revealing picture of the open-range days may be reconstructed from these songs.

The cowboy songs that have survived number about 200. Many of the tunes are borrowed. Enough seem genuine to claim a place for cowboy songs as a unique ballad product of the Southwest.

Jack Thorpe of New Mexico published locally in 1907 a small pamphlet collection of cowboy songs without music. John A. Lomax's *Cowboy Songs and Other Frontier Ballads*, 1911, was the first printing of cowboy music. The radio and the movie both have given cowboy songs a tremendous vogue. "A Home on the Range" has been a concert-hall and radio favorite since 1933, and its authorship has provoked a suit for half a million dollars.

JOHN A. LOMAX

Cowboys. The legitimate American cowboy came into existence when, in 1821, settlers pushing westward into present-day Texas discovered the local Mexican ranches, the methods of the *vaqueros*, and commercial possibilities in the herds of ownerless horses and cattle that dotted the Texan and Western plains. These belligerent

beasts were descended from the mettlesome steeds and long-horned Andalusian cattle—of the same breed as the bulls of the Spanish bull-ring—which Cortez and other *conquistadores*⁸ had imported into Mexico in and after 1519.

American ranching extended its area slowly until 1866 when, the Northern Indians being in process of confinement on reservations, it began quick expansion over all the Western plains. The resultant need for additional cowboys was met by adventurous youths from Texas, Eastern farms and cities, and the British Isles. Until well into the 1880's the "long-horns"⁹ and horses of Spanish descent were the dominant livestock on the range. The herding and handling of these brutes was highly technical and could be accomplished only by such men as, in addition to expertness in horsemanship and the use of a lariat, possessed courage, initiative, resourcefulness, stamina, so much instinctive acquaintance with animals' whims as to foretell and control stampedes, and ability to find the way unerringly by day or night in fair weather or in blizzard, past quicksands, across swollen rivers and through miles of uninhabited and rugged country. So dangerous was the life that seven years formed the limit of the average cowboy's riding activity.

The cowboy's costume he selected for utility and not for picturesqueness. *Chaparejos* (leathern armor for the legs) protected from thorns, goring cattle and falling horses; high heels prevented entanglement in the stirrup and furnished an anchorage when throwing the lariat afoot; a neckerchief drawn across mouth and nose made breathing possible amid stifling dust.

The cowboy was a keen and accurate observer of all that he saw and heard upon the range. Always abstemious while at his tasks, he nevertheless was apt, during infrequent visits to towns, to revel in drunkenness and gambling (*see Cow Towns*). Intensely proud of his vocation, he resented any belittling of it—his resentment tending to become fiery when, upon long trail drives¹⁰, enforced watchfulness against stampede made his nerves as taut as those of a race horse. He loathed the sheep men, whose flocks with their sharp hoofs obliterated the grass otherwise available to the cowboy's herds. His readiness to shoot has been grossly exaggerated.

Cowboys, because of their numbers, controlled the social and political life of the plains until approximately 1890, but thenceforth they gradually and grudgingly ceded their fenceless empire to the farmer and his barbed-wire¹¹ enclosures. However, in the present year of 1939, a few cowboys still ride in the little corners of the West.

As citizens of the cattle range^{er} rather than of any particular states or territories, the cowboys welded the entire West into a solidarity against the East and, due to the amicable relationship between Texan and Northern cowboys, prevented the sectional prejudices of Mason and Dixon line^{er} from extending onto the Western plains.

[A. Adams, *Log of a Cowboy*; J. M. Hunter, *The Trail Drivers of Texas*; P. A. Rollins, *The Cowboy*.]

PHILIP ASHTON ROLLINS

Cowboys and Skinners, THE, were bands of guerrillas and irregular cavalry who operated chiefly in the "Neutral Ground"^{er} of Westchester County, N. Y., during the American Revolution.

"Cowboys" was a name given to the Westchester Light Horse Battalion, a Loyalist provincial corps of the British army, commanded by Col. James de Lancey, and should not be confused with Gen. Oliver de Lancey's Loyal Americans, or Royal Refugee Corps, which confined its operations principally to Long Island.

The Westchester Light Horse, sometimes called "De Lancey's Green Jackets," due to their uniform, was organized in 1777, and was an irregular unit of the British army until the end of the war, taking part in some of the principal battles. They operated in Westchester County from 1778 to 1780, when not called into service elsewhere from time to time. They had their headquarters at Morrisania.

The "Skinners," ironically named after Gen. Cortland Skinner's Brigade of New Jersey Volunteers, had no regular organization. They were separate bands of mounted rascals, or banditti, who claimed attachment, sometimes to the British and sometimes to the Americans, but were owned by neither. They plundered, burned and ravished the "Neutral Ground" from 1778 to 1783, and sold their plunder, including horses and cattle, to both sides. Their services were occasionally employed by the British or Americans as scouts and spies, though the cavalry of both sides hung or shot them whenever they were caught.

[Robert Bolton, *History of Westchester County*.]

E. IRVINE HAINES

Cowpens, Battle of (Jan. 17, 1781), one of the most brilliant American victories in the Revolution. In December, 1780, Nathanael Greene, who was in command of the American Army in the South, sent out Gen. Morgan with 600 men to threaten the British post at Ninety-Six^{er}. Cornwallis, who was encamped at Winnsboro, sent

Tarleton against Morgan, while he himself marched northward, thereby hoping to get between the two wings of the American Army. Morgan, who had been recently joined by Pickens with several hundred men, marched northward rapidly, with Tarleton's army in pursuit. On Jan. 17, Morgan offered battle. He took position upon the slope of a hill at "the Cowpens" (S. C.) and drew up his forces in three lines, the first consisting of skirmishers who were to begin firing when the enemy was within fifty yards and then fall back to the second line, made up of Pickens' militia. This line was to await the approach of the British, fire twice, and fall back to the third line, containing troops from Maryland, Virginia and Georgia. Morgan had 940 men, Tarleton 1150. As the British approached, the first two lines of Morgan's army fired and fell back. The British thought they had won an easy victory and advanced in disorder, only to be met by a deadly fire and bayonet attack. At the same time the cavalry struck them on the right flank and the re-formed militia on the left. Finding themselves surrounded they surrendered. The British losses were 600 prisoners and over 200 killed and wounded; the American losses were 72 killed and wounded.

[Edward McCrady, *History of South Carolina in the Revolution*.]

HUGH T. LEFLER

Cowpuncher as a word has been abbreviated to puncher, and, in places, transmuted to cow poke, just as *vaquero* (common in California and Texas) was corrupted into buckaroo. All mean the same thing as cowboy^{er}, cow hand, hand and waddie (obsolescent). Cowboy, as word and fact peculiar to American ranching, originated in Texas about 1836. The word cowpuncher came into use around fifty years later, when cowboys used prodpoles to force cattle through chutes into stock cars and, accompanying cattle on trains, carried prodpoles to punch up any animal that got down in a car. Thus cowboys became literally cowpunchers.

[J. Frank Dobie, *A Vaquero of the Brush Country*.]

J. FRANK DOBIE

Cox, Insurrection of. On July 17, 1798, Zachariah Cox, a land speculator, embarked down the Ohio from Smithland, Ky., with an armed force of eighty frontiersmen. The militant and secret character of the expedition immediately occasioned all manner of alarming rumors. Gen. Wilkinson charged Cox with plotting a widespread insurrection, presumably against Spain, and sent warning to Gov. Sargent, of Mississippi, of his coming. Cox arrived in Natchez with but

thirteen of his original party, Aug. 11, 1798, where Sargent arrested him. He escaped to New Orleans, only to be rearrested in Nashville, where he was finally released. Cox insisted he had merely intended to explore the Spanish territories west of the Mississippi, and the circumstances substantiate his contention. In 1803 Congress declared his arrest illegal and oppressive, but denied his claim for damages. The furore Cox caused illustrates the almost anarchic state of affairs in the Southwest at the time, and presaged the Burr conspiracy⁹⁹ of a few years later.

[*American State Papers, Misc.*, I; I. J. Cox, Documents relating to Zachariah Cox, in *Quarterly Publication of the Historical and Philosophical Society of Ohio*, VIII.]

EDGAR B. NIXON

Coxey's Army. Jacob Sechler Coxey, of Massillon, Ohio, was a successful self-made business man and a reformer with a special interest in fiat money. During the depression following the Panic of 1893⁹⁹ he worked out a plan to save the country by the enactment of two bills providing for large issues of legal-tender currency to be spent for good roads and other public improvements, thus furnishing work to the workless. His device to arouse public and congressional interest in these bills—the march of a “living petition” of the unemployed to Washington—was attributed to his picturesque western associate, Carl Browne. As a result of Browne's curious religious notions the organization was called “The Commonweal of Christ.” The Commonweal marched out of Massillon on Easter Sunday, 1894, with about a hundred men, followed by half as many reporters who gave the “army” plenty of free publicity. Instead of the 100,000 he had predicted, Coxey had about 500 men when he arrived in Washington in time for a great demonstration on May Day⁹⁹. His parade was cheered by an enormous crowd, but when he tried to speak from the Capitol steps he was arrested, fined, and sent to jail for carrying banners and walking on the grass in the Capitol grounds.

Meanwhile, “industrial armies” larger than Coxey's had been formed by the unemployed on the Pacific coast and elsewhere, the largest and best organized being Fry's from Los Angeles and Kelly's from San Francisco. They decided to join Coxey at Washington. When the railroads refused to give them free rides on freights they stole trains and ran them themselves. Sometimes, when local authorities were unable or unwilling to suppress them, Federal judges enjoined Coxeyites from stealing trains and the injunctions were enforced by United States marshals or the army, setting precedents for the Government's action

against the Pullman strikers⁹⁹ in July. Armies that crossed the Mississippi found the population and the railroads more hostile, and disintegrated before reaching Washington, but remnants straggled in until about 1200 were encamped there. The District of Columbia finally paid their way home.

The “Coxeyites,” “Commonwealers” or “Industrials,” as they were called indiscriminately, demanded measures that were mainly Populistic, and were generally supported by Populists and organized labor⁹⁹. Although they failed in their objectives, they were significant as symptoms of the economic unrest of the period and as an unusual type of Populistic propaganda.

[D. L. McMurry, *Coxey's Army*.]

DONALD L. McMURRY

Coyote (*canis latrans*). This night-serenading animal, once the “medicine wolf” of the Mountain Men⁹⁹ and still weather forecaster for ranch Mexicans, is of extraordinary humanistic importance. He is the hero of countless creation myths of trans-Mississippi Indians. His sagacity, trickery, omnivorous appetite, bizarre voice, adaptability to changing environment, etc., have made Don Coyote the subject of a body of native folk tales, fiction, trapper natural history, and verse from which he may emerge as distinct as Reynard the Fox of Europe. Persecuted by sheep and goat raisers, he is, nevertheless, useful in destroying rodents and rabbits.

[J. F. Dobie, *Tongues of the Monte*; E. C. Jaeger, *Denizens of the Desert*.]

J. FRANK DOBIE

Crab Orchard, Ky., became very early an important station on the Wilderness Road⁹⁹. It was near Logan's Fort⁹⁹ in what is now Lincoln County. Here travelers often waited until parties could be formed for protection against the Indians, as they journeyed toward Cumberland Gap⁹⁹ and settlements east of the mountains.

[Richard Collins, *History of Kentucky*; Thomas Speed, *The Wilderness Road*; Archer Butler Hulbert, *Boone's Wilderness Road*.]

JONATHAN T. DORRIS

“Cracker Line,” THE. A term used by soldiers in the Civil War for a transportation line of food supplies. Specifically used by the short-rationed Federal soldiers in Chattanooga⁹⁹ in the fall of 1863, when, with railroad transportation cut off by the Confederates, a steamboat line was opened on the Tennessee to bring foodstuffs up the river from Bridgeport for the relief of the troops.

[*Battles and Leaders of the Civil War*, Vol. III.]

CULVER H. SMITH

"Crackers," the "poor whites"[™] of the pine barrens area of the South, also referred to as "piney woods"[™] people," "sand hillers," and "clay-eaters." Chief Justice Anthony Stokes of colonial Georgia claimed that the Southern colonies were overrun with men from western North Carolina and Virginia known as "crackers." The term is said to have originated from the practice of teamsters "cracking" their huge whips as they drove their teams long distances to markets with farm produce.

[Richard H. Shyrock, *Georgia and the Union in 1850.*]

W. B. HATCHER

Craig v. State of Missouri, 1830 (4 Peters 410). The Missouri legislature, in 1821, established a loan office for issuing paper money that would be loaned to debt-burdened Missouri farmers. Suit was brought in the Circuit Court of Chariton County to force payment of a note Hiram Craig had given for a loan of loan-office certificates. This court and the Missouri Supreme Court decided that Craig must pay. Upon appeal to the Supreme Court of the United States, Craig secured a reversal of decision, as the Court held loan-office certificates unconstitutional because they were bills of credit[™] emitted by a state. The decision was written by Chief Justice Marshall. (See also *Briscoe v. Bank of the Commonwealth of Kentucky*.)

[A. J. Beveridge, *John Marshall*.]

W. J. HAMILTON

Crampton's Gap, Battle at. See South Mountain, Battle of.

Craney Island, Operations at. Craney Island, at the mouth of the Elizabeth River, was fortified to command Norfolk[™] harbor. A powerful British fleet attacked, June 22, 1813, landing a force on Nansemond Point and sending barges against the island. Virginia militia defeated those at Nansemond while the fort's batteries drove off the barge force. The enemy lost 200 killed and wounded. This American victory saved Norfolk, Portsmouth and Gosport.

[Benson J. Lossing, *Pictorial Field Book of the War of 1812.*]

ROBERT S. THOMAS

Crater, THE (1864), was the name given to a gigantic hole in the Confederate fortifications east of Petersburg[™], Va., produced July 30, 1864, by the detonation of a huge powder mine laid by the Union Army. In some respects the struggle in the Crater was the climax of Grant's campaign of 1864. Owing to mismanagement on the part of Union officers and the general confusion of the explosion, the whole project was a failure.

[*Battles and Leaders of the Civil War*, IV; Alfred P. James, The Battle of the Crater, in *The Journal of the American Military History Foundation*, 1938.]

ALFRED P. JAMES

Crawford, Fort, built in 1816 under supervision of Gen. T. A. Smith at Prairie du Chien[™], Wis., commanded the junction of the Wisconsin and Mississippi rivers. It was an important military outpost in the period of the fur trader[™] and the lead miner. Here also several important Indian treaties were signed. The fort lost its significance as a guardian of the frontier following the defeat of Black Hawk[™] in 1832.

[F. L. Paxson, *History of the American Frontier*.]

THEODORE G. GRONERT

Crawford's Defeat. On May 25, 1782, 480 mounted Pennsylvania and Virginia frontiersmen, led by Col. William Crawford, set out from the Mingo Bottom[™], a short distance from Pittsburgh, to attack the Wyandotte and the Shawnee Indians[™] on the upper Sandusky River. Within ten miles of the first Sandusky village, the Americans were surprised by a force of British rangers and Indians under Capt. William Caldwell. After a battle, lasting two days, Crawford ordered a retreat which quickly turned into a rout, and seventy of his men were killed or missing. Crawford was captured and burned at the stake by Delaware Indians.[™]

[James H. Anderson, Colonel William Crawford, *Ohio Archaeological and Historical Publications*, Vol. VI.]

JAMES A. JAMES

Crazy Snake Rebellion (1900-1901). Chitto Harjo (Crazy Snake) and Hotulka Fixico, with certain full-blood Creek Indians[™] still clinging to ancestral ideals and objecting to the Government's plan to allot their tribal lands, set up a government of their own at Hickory Ground[™], I. T., in October, 1900. Warned to disperse by the United States marshal, they did so, but, reassembling in January, 1901, they alarmed law-abiding Indians by threats, and even punished violators of their own so-called laws. Taking further action, the marshal and an armed posse encountered fifteen or twenty armed Indians in a log cabin near the South Canadian River on Jan. 24, 1901. Returning later with an augmented posse and a troop of United States cavalry, he arrested ninety-four Indians without resistance. The leaders were tried in the United States court on Feb. 25, 1901, and, pledged to make no further trouble, were released on their own recognition.

[Report of the United States Commissioner of Indian Affairs, 1901.]

JOHN FRANCIS, JR.

Cream Separator, THE. *See* Dairy Industry.

Credit. If the term credit means, in the language of John Stuart Mill, the "permission to use another's capital," or, in the more modern sense, the right to funds, goods or services at the present time in exchange for a promise to pay money or its equivalent at a future time, then the history of credit in the United States begins with the early colonial period, where the merchant, the factor and the country storekeeper with his method of "store pay" and "trusting," met most of the demands for mercantile and individual credit. Bank credit, capital credit and public credit were practically non-existent throughout most of the colonial period. The so-called land and loan banks were primarily "paper-money-mongering" schemes for meeting the expenditures of colonial governments.

Real commercial banking and bank credit did not emerge until the period of the Confederation, with the establishment of the Bank of North America⁹⁹ in 1781, and the Bank of Massachusetts and the Bank of the State of New York in February, 1784. As note-issuing banks these institutions discovered that they could "create" credit in that they could issue notes in excess of the cash held, counting on new supplies of cash to take care of any notes which might be presented for redemption. These notes were lent to borrowers on a short-term basis, as early as 1785, and prompt repayment of such loans was required. These banks also discovered that through the lending process they could create derivative deposits, i.e., deposits derived from the bank's lending of its credit to the borrower.

Capital credit received its first impetus with the sale to the public of \$8,000,000 of the stock of the First Bank of the United States⁹⁹ in 1791. There were almost no corporations or joint-stock companies during the colonial period. By the time of the adoption of the federal form of government in 1789 there were but twenty-one such companies, consisting for the most part of small turnpike and toll-bridge companies, one insurance company and three banks. Security capitalism, with its instruments of capital credit, did not, therefore, become an important factor until after 1820. With the extension of interstate turnpikes, canals and railroads between 1820 and 1850, and the concurrent growth of corporations⁹⁹, the use of capital credit was greatly extended. By 1929 there were no less than 500,000 profit-making corporations in the United States, whose listed securities on the New York Stock Exchange⁹⁹ were valued at more than \$93,000,000,000.

Public credit in the United States, involving the issuance by the Government, the states and municipalities of securities, containing a given or implied promise of repayment, did not reach large proportions until after the funding of the nation's debt and the assumption⁹⁹ by the Federal Government of the state debts by the Funding Act of August, 1790. Public credit during the Revolutionary War and the period of the Confederation was poor, due to the uncertain tax powers of the Government, and to the delinquency of the Government in meeting interest and principal payments on its foreign debt. The position of public credit was improved after Hamilton's refunding measures, and by 1837 the Government had paid off all of its national debt⁹⁹, which strengthened its credit. With the extensive sale of government bonds during the Civil War, and the vast increase in the national debt during the World War and the depression of the 1930's, public credit has come to play a more important role in the whole credit structure of the United States.

[J. E. Hagerty, *Mercantile Credit*; C. A. Phillips, *Bank Credit*.]
FREDERIC E. LEE

Credit Island, Battle of (Sept. 5 and 6, 1814). During the summer of 1814 the Americans attempted to regain control of the Upper Mississippi. Maj. Zachary Taylor, with 334 men in eight boats, was attacked at Credit Island (now included in the city of Davenport, Iowa) by a few British and many Indians and was compelled to return to St. Louis.

[William A. Meese, *Credit Island, 1814-1914*, in the *Journal of the Illinois State Historical Society*, Vol. VII.]
RUTH A. GALLAHER

Crédit Mobilier of America, THE, was a company used by a group of leaders of the Union Pacific Railroad⁹⁹ to enable them to pocket exorbitant profits in the construction of the line. Vice-President T. C. Durant in March, 1864, took possession of an old company called the Pennsylvania Fiscal Agency, changed its name to Crédit Mobilier, and with Oakes Ames and Oliver Ames brought the capital in 1865 up to \$2,500,000. When the railroad had been finished to the 100th meridian, the managers split into two factions; Durant was thrust aside and Oakes Ames took charge of the Crédit Mobilier while Oliver Ames became president of the Union Pacific. In 1869 the Crédit Mobilier completed the building of the road. According to the subsequent Senate investigation, the sale of first-mortgage bonds, and of government bonds lent the road upon a second mortgage, provided it with \$50,-

863,172, or slightly more than enough to pay the whole cost of construction; but the *Crédit Mobilier* also received some \$23,000,000 in stocks, income bonds and land-grant bonds. In short, the managers stripped the Union Pacific of what Congress had intended should be a permanent endowment, and placed it in their own pockets. When Congress opened on Nov. 21, 1867, it was evident that the Union Pacific-*Crédit Mobilier* combination might come under fire. Oakes Ames therefore took 343 shares of *Crédit Mobilier* stock and distributed at least 160 shares among senators and representatives, he sold it at par, though he believed it worth at least double, and he allowed some to pay for it out of accumulated dividends. Late in the presidential campaign of 1872⁷⁰ the *New York Sun* made charges which resulted the ensuing winter in both House and Senate investigations, which ruined the reputation of Oakes Ames, of James Brooks, who also was formally censured by the House of Sen. James W. Patterson, who was recommended for expulsion, though no action was taken; and of ex-Speaker Schuyler Colfax. Other men, including James A. Garfield, were badly damaged in public esteem.

[J. B. Crawford, *The Crédit Mobilier of America*, J. F. Rhodes, *History of the United States*; E. P. Oberholtzer, *History of the United States*.]

ALLAN NEVINS

Credit of the Nation. A term implying both the ability and the willingness of a nation to meet its obligations, and faith on the part of creditors of the Government that repayment of the debt will be made at a future date. For example, in 1775 the Continental Congress⁷¹ issued paper bills of credit⁷², pledging its "faith in the future of the Continent," but by 1780 the Continental notes became worthless and by 1783 the credit of the embryonic nation had sunk so low that liquidated and certificated claims against it were worth less than fifteen cents on the dollar. A nation which defaults on its external debt has its credit standing impaired in the capital markets of the world. A nation which repudiates its debts directly, or through their repayment in worthless 'printing-press money,' virtually loses its national credit.

[D. R. Dewey, *Financial History of the United States*.]

FREDERIC E. LEE

Creditor Nation, Position of United States as. Until 1873, save for the decade following the Panic of 1837⁷³, the United States was an "immature debtor." That is, annually new foreign investments in this country exceeded the interest payments on the outstanding previous invest-

ments. This net import of capital was a causal factor in our "unfavorable" balance of foreign trade, and after 1850 was equalled only by gold exports in this respect. Between 1873 and 1914 an increasing stream of foreign capital—broken by crises and depression, as in 1882-85 and 1893-96—flowed into the United States, principally to finance railway construction. In 1914 it was estimated that our indebtedness to foreigners had reached \$5,000,000,000, about one third of which had accrued since 1900.

For the period 1873-1914 as a whole the United States was a 'mature debtor' whose capital import was very greatly exceeded by the interest payments on these foreign-owned American securities and properties. But capital importer though we were, we had also begun to export capital. American investments abroad were estimated at \$500,000,000 in 1899 and at \$1,500,000,000 in 1914. By 1919 large-scale repatriation of foreign-owned securities, plus private and governmental loans to the Allied Powers, had vastly speeded up our approach to the position of creditor nation. During the post-war decade American bankers underwrote the bonds of foreign states and enterprises on an unprecedented scale, while American citizens and industries purchased additional billions of dollars' worth of foreign securities and properties. The United States was solidly established as an "immature creditor," exporting annually more capital than it was receiving as interest and dividends on its total foreign investments. Moreover, this state of affairs continued throughout the years 1931-37. During the period since 1920 capital-exporting United States was simultaneously importing capital. Since 1931 the inflow has actually exceeded our long-term capital exports although the capital movement in each direction has been of the nervous and unstable type characteristic of periods of international economic stress during which money drifts from country to country seeking refuge. Normally, however, our capital exports exceed our capital imports. Hence we will probably become a "mature creditor" country in time, with a net credit on international investment account. When this occurs it will, unless offset by other "debit" items in our balance of international payments, compel the disappearance of the net export balance which has prevailed in our foreign trade since 1873.

[John T. Madden, Marcus Nadler, Harry C. Sauvain, *America's Experience as a Creditor Nation; The Balance of International Payments of the United States*, annual.]

FRANK A. SOUTHARD, JR.

Creek Indians, THE, were living, when the Europeans came to the southeastern United

States, in that region between the Atlantic Ocean and, roughly, the Tombigbee River. Those in Georgia came to be designated the Lower Creeks, while those in Alabama were called the Upper Creeks. Though the origin of their name has often been attributed to the large number of streams in their country, it seems more likely to have been a shortening of "Ocheese Creek Indians," as most of them lived on this stream, later called the Ocmulgee River.

The Creeks, unlike some of their kindred tribes, were tall and slender, and the women were not without positive elements of beauty. Bravery was the characteristic most sought after among the men, whose warriors defeated in battle all the surrounding tribes, including the Cherokees^o. In colonial America they were considered the most powerful Southern tribe. They could easily muster 3500 braves.

They were organized by clans, and descent of position came on the maternal side. They lived in villages, based on clans, composed of clusters of huts surrounding a public square. In the center of this square was the Great House, used for ceremonials, and the Council House, where secret deliberations took place. In the center of the square a perpetual fire was kept burning. In time of peace each village was ruled by a *mico* and a council of old men; when hostilities were on, a war chief led the braves into battle. All the Creek villages were held together in a loose confederation for purposes of defense only. There was no central authority; each village was autonomous and decided for itself whether it would go to war or not. The best known of their ceremonials was the green corn dance^o held at the time of the ripening corn. Though great hunters, they were primarily a sedentary people, engaged in agriculture.

Their geographical location gave the Creeks the most strategic position of any of the tribes of Southern Indians. With the French on the west, the Spaniards on the south, and the English on the north and east, they plotted with and among these rival nations, playing one off against another. When Oglethorpe founded Georgia he immediately made friends with them, and through three treaties of cession (1733, 1763, 1773), the English maintained this friendship down through the Revolution. After the Revolution, when only the United States and Spain sought their affections, the Creeks most of the time kept both guessing. Creek hostilities against the Georgia frontier were composed in the Treaty of New York in 1790 (*see* McGillivray Incident).

But the onset against the Creeks, who occupied rich cotton lands, could not be stemmed.

In the War of 1812^o the Upper Creeks, casting their lot with the English, were finally crushed by Andrew Jackson at the battle of Horseshoe Bend^o. The Treaty of Fort Jackson in 1814 deprived the Creeks of much of their lands, and in the early 1820's George M. Troup, governor of Georgia, began a campaign to rid the state of the Creeks entirely, which nearly precipitated war with the United States. William McIntosh, a half-breed chief friendly to Georgia, made a treaty of cession in 1825, which led the irreconcilable Upper Creeks to murder him (*see* Indian Springs, Treaties of). Finally in 1832 the Creeks were forced into a treaty which provided for the removal of the entire tribe to reservations west of the Mississippi. In 1918 there were about 12,000 Creeks living in Oklahoma.

[L. Farrand, *Basis of American History*; J. R. Swanton, *Early History of the Creek Indians and Their Neighbors*; U. B. Phillips, *Georgia and State Rights*; C. C. Jones, *History of Georgia*; G. Foreman, *Indian Removal*.]

E. MERTON COULTER

Creek War, THE (1813-14), began with the massacre of Fort Mims^o, August, 1813, and closed with the Treaty of Fort Jackson, August, 1814. The Upper Creeks, called "Red Sticks,"^o living on the Coosa River, precipitated hostilities and carried on the war, while the Lower Creeks, on the Chattahoochee River, remained friendly and aided the Americans. Incited by a visit of Tecumseh^o in 1811, emboldened by the British in Canada, and armed by the Spaniards at Pensacola, the "Red Sticks" sacked and burned Fort Mims, on the Alabama River, massacred most of its inhabitants, and ravaged the surrounding country. Armies for relief soon began organizing in Mississippi, Tennessee and Georgia; though the main campaign was conducted by Andrew Jackson and his Tennesseans. In October (1813) he sacked the Indian village of Talishatchee, and the next month crushed a Creek force at Talladege^o. About the same time, John Cocke led a force from East Tennessee into the Creek country and unwittingly killed or captured a band of friendly Creeks, much to Jackson's chagrin. A few days later John Floyd with a force of Georgians and friendly Creeks defeated the "Red Sticks" at Autossee^o, on the Tallapoosa River, and speedily returned to Georgia; and in December Ferdinand L. Claiborne, of Mississippi, with a mixed army of regulars, militia, volunteers and friendly Choctaws, destroyed Weatherford's Town and killed thirty Indians (*see* Econochaca, Battle of).

In the meantime Jackson was being harassed in a most exasperating fashion by mutinous troops and others whose enlistments had ex-

pired. Holding together with reckless determination a few of his soldiers, he called on Gov. Blount of Tennessee for new forces. Having finally collected an army of about 2000 men, Jackson invaded the heart of the Indian country in March, 1814, and on the 27th, aided by John Coffee, he fell upon the "Red Sticks" at the Horseshoe Bend^m of the Tallapoosa River and killed an estimated 850 or 900 warriors and made prisoners of about 500 squaws and children. The power of the Indians was broken, and in the Treaty of Fort Jackson, which followed, the Creeks were forced to give up the southern parts of Georgia and Alabama.

[H. Adams, *History of the United States*; J. B. McMaster, *History of the People of the United States*; A. J. Pickett, *History of Alabama*; J. S. Bassett, *Life of Andrew Jackson*.]

E. MERTON COULTER

Creole Slave Case. On Nov. 7, 1841, the slaves of the *Creole*, sailing from Hampton Roads, Va., to New Orleans, overpowered the crew, killed one owner, and brought the vessel into the English port of Nassau where the authorities freed all but those charged with murder. Secretary of State Daniel Webster demanded the surrender of all the slaves, but the British, who had abolished slavery in their empire, refused. Finally, in 1853, an Anglo-American commission awarded an indemnity of \$110,330 to the United States.

[C. M. Fuess, *Daniel Webster*.]

HARVEY WISH

Creoles, THE, are scientifically defined as people of pure European blood born in the western hemisphere. Derived from the Spanish "Criollo," the term "Creole" was originally employed to distinguish Europeans born in the American colonies from their fellow nationals born in the mother countries; but in later times its application has been restricted to individuals of pure French, Spanish or Portuguese blood born in the Americas.

The Creoles of Spanish America led the movement for independence early in the 19th century and have played the dominant role in the subsequent history of the republics to the south of us. The French Creoles of Louisiana have markedly influenced the development of that state, and the French and Spanish Creoles have left their impress on other sections of the United States formerly held by France or Spain. The Canadians of pure French blood, whose culture and influence are still predominant in certain sections of that country, are "Creoles," scientifically speaking, though not commonly so called.

[George W. Cable, *The Creoles of Louisiana*; Origin of the Creoles, in *Magazine of American History*, VIII, and

Creoles, Who Are They?, *Century*, XXV, January, 1883; Grace Elizabeth King, *Creole Families of New Orleans*.]

WALTER PRICHARD

Cresap's War was a desultory warfare with the Ohio River Indians in the spring of 1774. Capt. Michael Cresap was a leader in this warfare. Among other incidents, on April 26, 1774, he had a skirmish with Indians on the river. Four days later the family of Logan, a noted Indian chieftain, was lured across the Ohio from its camp on Yellow Creek, intoxicated and brutally murdered. Out of this affair came Logan's famous speech^m, included by Jefferson in his *Notes on Virginia*. Likewise, arose the revengeful ravages of Logan and his followers, which precipitated Lord Dunmore's War^m. Jefferson and others put the blame on Cresap. Later investigations have shown that Daniel Greathouse was the leader in the Yellow Creek massacre, Cresap being absent.

[John J. Jacob, *Biographical Sketch of Captain M. Cresap*; Brantz Mayer, *Tagah-jute, or Logan the Indian and Captain Cresap*.]

ALFRED P. JAMES

Crèvecoeur, Fort de, was the first fort built in the West by the French. During January, 1680, LaSalle^m entered the string of small lakes above the site of the modern Peoria and encamped at an Indian village, Pimitéoui. As protection to his men from the Iroquois^m, he began the erection of a fort which was completed within a few weeks. On his way to the East, LaSalle sent an order to Tonti to inspect Starved Rock^m as the site for a permanent fort. During Tonti's absence, Fort de Crèvecoeur was destroyed by the Frenchmen in charge. It had been occupied for only three months and was never rebuilt. The fort was located on the east bank of the Illinois River opposite the southern limit of the present city of Peoria.

[C. W. Alvord, J. C. Thompson, James A. James, *The Site of Fort de Crèvecoeur*.]

JAMES A. JAMES

Crime. From the beginning of colonial settlement until the opening of the 20th century frontier expansion was closely related to criminal activity. In colonial times this condition was doubtless aggravated by the importations, chiefly to Maryland and Virginia, of thousands of British convicts. Sexual crimes then played a larger role than in recent times. During the latter part of the 17th century piracy^m was the most notorious type of criminal activity. Avery, Bonnet, Teach and others developed elaborate criminal organizations similar to those of modern industrial gangsterism. But in the course of the 18th century this type of criminal activity was divert-

ed into the more patriotic form of privateering⁹⁹. Rapid westward settlement in the post-Revolutionary period, and notably after the War with Mexico, was accompanied by crimes of violence to person and property, widespread horse stealing, cattle "rustling," "brand burning" and highway robbery⁹⁹. Bandit⁹⁹ leaders, such as Billy the Kid, Henry Plummer and Jesse James, committed widespread depredations and brought about the Vigilante movement⁹⁹ which spread throughout the West from the 1850's down to the 1880's. The Ku Klux Klan⁹⁹ in the South was in part a response to criminal activities resultant upon Reconstruction⁹⁹. Down into the 20th century there survived in the mountain regions of the South a great deal of lawless activity such as the feud⁹⁹, perhaps the most notorious being the Hatfield and McCoy feuds⁹⁹ of the Virginia and Kentucky border.

With the rapid growth of industry and capital in the latter part of the 19th century a fillip was given to crimes against property not generally involving violence, such as forgery, swindling, fraudulent bankruptcy and other acts injurious to business. An accompanying phenomenon—the expansion of urban life and the increase of poverty and bad environmental conditions—contributed to the rise of commercialized crime which has ever since, to a greater or lesser degree, become inextricably entangled with government. The Tweed Ring and Lexow disclosures in New York City in the 1870's and 1890's, respectively, the Star Route frauds in the Hayes-Garfield administrations, and the Harding oil scandals⁹⁹ indicate varying manifestations of this unhappy wedlock. New business mechanisms resulted in the creation of a host of crimes by statute which have multiplied, during the last 100 years, the crimes for which one could be prosecuted, by eight- or ten-fold. Among such legislative crimes unknown to our colonial ancestors were criminal syndicalism⁹⁹ and the illegal manufacture or sale of intoxicating beverages (see Bootlegging). The latter alone accounted for an enormous increase in the criminal calendars of the Federal courts during the 1920's, and until the repeal of the Eighteenth Amendment⁹⁹. Such recent statutory crimes as failure to pay income taxes, violations of traffic laws, or violations of the Federal labor code were not considered antisocial by large groups in America and did not rest upon the universal moral sanctions which buttressed the colonial criminal code.

American industrial life influenced crime in several ways. It accelerated the tempo of crime. In this the automobile was the greatest single factor, and automobile theft became one of the

principal types of larceny in the industrial era. It set the pattern for the powerful criminal combines, which, similar to the early 20th-century industrial trusts, rose to exercise control of "rackets"⁹⁹ in such fields as liquor, narcotics, smuggling, gambling, commercialized vice and counterfeiting⁹⁹. Newspapers, the motion picture, and other vehicles of information spread this crime pattern and gave a false glamour to underworld life. The repetition in the 1930's of such sensational crime patterns as kidnapping⁹⁹, of which the Lindbergh case was the most shocking instance, was the debt society had to pay for the rapid dissemination of ideas and techniques in the industrial age.

From earliest times American criminal *causes célèbres* have had to do largely with murder. Sex was often the motivating factor in this crime, as in the murder by Mrs. Spooner of her Tory husband in Worcester, Mass., in 1778, or of Keys by Daniel E. Sickles in Washington, D. C., in 1859, which established for the first time in this country the "unwritten law," or of Helen Potts by Carlyle Harris in 1891 in New York City, in which toxicological evidence established the defendant's guilt, or the killing of Stanford White by Harry Thaw on the roof of Madison Square Garden in 1906. The murder of Dr. George Parkman by Prof. Webster in 1849 is notable in that conviction was obtained on circumstantial evidence—the victim's false teeth found in Webster's furnace. Criminal statistics reveal that the homicide rate in America since the World War was much higher than in most European countries, and that in cities where the tempo of expansion was most rapid the homicide rate was highest of all.

[R. Pound, *Criminal Justice in America*; H. C. Brearley, *Homicide in the United States*; Hall, *Theft, Law, and Society*; National Commission on Law Observance and Enforcement, *Reports*, 1931; C. C. Rister, *Outlaws and Vigilantes of the Southern Plains, 1865-1885*, *Mississippi Valley Historical Review*, XIX; S. S. McClintock, *Kentucky Mountains and Their Feuds*, *American Journal of Sociology*, VII.]

RICHARD B. MORRIS

Crime against Kansas, THE. See Brooks-Sumner Affair, The.

Crime Commissions. In 1922, a year following the publication of *The Cleveland Survey of Criminal Justice*, the Cleveland Association for Criminal Justice was established by civic groups "to make instantly and constantly articulate the principle of public vigilance through the courts in the matter of self-defense against crime." In the next ten years some twenty crime surveys were made in American states and cities by such

bodies as the Missouri Association for Criminal Justice, the Illinois Association for Criminal Justice, the Baltimore Criminal Justice Commission, the Chicago Crime Commission^o, the American Institute of Criminal Law and Criminology, the Johns Hopkins Institute of Law, and others. Stimulated by this movement, which was frequently aided by state bar associations, public commissions for the study of various problems of criminal justice were established, in California (1923, 1927), Michigan (1926), Louisiana (1926), Minnesota (1926), Pennsylvania (1927), New York (1927) and Rhode Island (1927). Most of these commissions were set up on a permanent basis. Some states, however, established temporary bodies, similar to the Wickersham Commission^o in the National Government, to study the problem within their borders. Many of the recommendations made by these commissions were enacted into law, and appreciable changes in the administration of criminal justice resulted.

[John M. Pfiffner, The Activities and Results of Crime Surveys, *American Political Science Review*, Vol. XXVIII, no. 4, November, 1929, pp. 930-955.]

FRANCIS R. AUMANN

"Crime of 1873," THE, is a phrase associated historically with the coinage law of Feb. 12, 1873. The sixty-seven sections of the law constituted a virtual codification of the then extant laws relating to the mints and coinage^o, but only two sections are significant in this connection. Section fifteen reads in part: "That the silver coins of the United States shall be a trade dollar^o . . . a half dollar . . . and said coins shall be legal tender at their nominal value for an amount not exceeding five dollars in any one payment." Section seventeen reads, "That no coins, either gold, silver or minor coinage shall hereafter be issued from the mint other than of the denominations, standards, and weights herein set forth." The omission of the standard silver dollar from the list of silver coins became, for more than two decades after 1876, the "Crime of 1873."

The movement for the free coinage of silver^o began about 1876, when decreased use of silver as a monetary metal and increased production caused the price of silver to decline. The leaders of the movement defended the bimetallic^o standard and charged that the demonetization of silver^o was the result of a conspiracy entered into by British and American financial interests to secure in a surreptitious manner the adoption of the gold standard^o in the United States. The "silverites" clung tenaciously to the plot theory in spite of the fact that the act of 1873 was sim-

ply a legal recognition of an existing fact, i.e., that the silver dollar had not been in circulation for decades, that the act was considered in five sessions of Congress, read repeatedly, debated exhaustively and discussed frequently by Treasury officials. This actual series of events is of interest only to historians. For two decades millions of people thought that a crime had been committed and voted their convictions at every opportunity. Many residents of the silver mining states of the West still speak bitterly of the "Crime of 1873." (See also *Corn's Financial School*.)

[J. L. Laughlin, *A History of Bimetallism in the United States*.]

GEORGE L. ANDERSON

Cripple Creek Mining Boom, THE, began in the early 1890's. Previously the district, immediately southwest of Pikes Peak^o, was a cattle ranch. Robert Womack, cowboy, did occasional prospecting and finally discovered a promising vein, January, 1891. Spring brought many prospectors. On July 4 W. S. Stratton staked the Independence, that was to bring him wealth and pre-eminence as an operator. A mining district was organized. Bennett and Myers, owners of the cattle ranch, platted the city of Cripple Creek. This and other towns sprang into bustling life. Disastrous fires and serious labor strikes interrupted production. The district's gold output reached \$10,000,000 in 1897 and exceeded that annually for twenty years. Despite decline thereafter, it had amounted to \$365,654,118 by 1936.

[C. W. Henderson, *Mining in Colorado*.]

LEROY R. HAFEN

Cripple Creek (Colo.) Strikes, THE, began in August, 1893, when the workers by striking prevented the lengthening of the working day. A period of rapid unionization of the miners and organization of the mine operators was followed by a serious strike in January, 1894. Although some violence occurred, the miners won a substantial victory. A period of peace was followed by the bitter strike situation of 1903-1904 when well-organized, well-financed and politically powerful unions were defeated by the mine owners. The strike was a sympathetic one designed to force the reduction mill operators in Colorado City to consent to unionization of their employees. Loss of life, destruction of property, abuse of the state militia power, and the practical elimination of unions in the mining district were outstanding features.

[B. M. Rastall, *The Labor History of the Cripple Creek District*.]

GEORGE L. ANDERSON

Crises and Depressions. See Business Cycles; Panics.

Crisis, The, the name given by Thomas Paine to a series of patriotic political pamphlets which he wrote during the Revolution. The first appeared in the *Pennsylvania Journal*, Dec. 19, 1776, and began with the famous sentence, "These are the times which try men's souls." Also noteworthy was the third (April, 1777), favoring strong measures against American Tories, and *The Crisis Extraordinary*, urging an efficient Federal tax system. There were in all twelve major pamphlets and four supernumerary ones. *The Crisis; or Essays on the Federal Government*, was also the title of a states' rightssm pamphlet written by Robert J. Turnbull in 1827.

[Moncure D. Conway, *Life of Thomas Paine*.]

ALVIN F. HARLOW

Crittenden Compromise, THE, was the most important proposal made in 1860-61 in the attempt to resolve the conflict between North and South by peaceful measures. The plan, presented to the United States Senate, Dec. 18, 1860, by Sen. J. J. Crittenden of Kentucky, included six articles proposed as amendments to the United States Constitution, and four resolutions. The heart of the compromise was in the first article, which provided that: north of 36° 30', the line of the Missouri Compromisesm, in all territory then held or thereafter acquired, slavery was to be prohibited; south of the line slaverysm was to be protected as property. Crittenden's proposal referred only to territory then held, but an amendment was added, "or hereafter acquired." Other articles prohibited Congress from abolishing slavery in places under Federal jurisdiction in the slave states, or in the District of Columbia without compensation and consent of Virginia and Maryland. The last article provided that there should be no constitutional amendment to alter the other five articles of the compromise, and that Congress should have no power to interfere with slavery where it then existed.

This plan was the chief subject of consideration by the Senate Committee of Thirteen and the House Committee of Thirty-three, and by the Peace Convention in Washingtonsm. It was defeated by vote on Dec. 22, 1860, in the crucial Committee of Thirteen, chiefly because the Republicans, in consultation with Lincoln, then President-elect, refused to yield on prohibition of slavery in the territories. The resolution for an amendment to prohibit interference with slavery in the states passed Congress in February and March, 1861, but was never ratified by the states.

[James Ford Rhodes, *History of the United States, 1850-1877*, Vol. III.]

C. MILDRED THOMPSON

Crittenden Resolution, THE (July 22, 1861), in the House of Representatives, announced that the North's objectives in the Civil War were to preserve the Constitution and the Union and not to interfere with slaverysm or to subjugate the South. A similar resolution in the Senate, introduced by Andrew Johnson, was passed July 25, 1861.

[J. G. Randall, *The Civil War and Reconstruction*.]

MARTIN P. CLAUSSEN

Croghan's Expeditions to Illinois (1765-66). After Pontiac's uprisingsm had been put down, England faced the old problem of how to occupy the French settlements clustering around Fort de Chartressm on the Mississippi in the Illinois country. Thousands of savages were still sullen and Pontiac still at large; to penetrate the "Black Forest" with troops and supply a garrison in far-off Illinois would be feasible only if the Indians were friendly.

To carry on the complicated Indian negotiations for peace, Gen. Gage and Sir William Johnson selected George Croghan, an Indian trader and agent of renown, who was well acquainted with the Ohio country and its savages. After surmounting great difficulties in organizing his expedition, Croghan left Fort Pittsm on May 15, 1765, for Illinois, with two boatloads of presents. His party included a deputation of Delaware, Shawnee and Senecasm chiefs. On June 8, near the mouth of the Wabash, he was attacked by hostile Indians, his stores plundered and several whites and Shawnee killed. Croghan himself was tomahawked, but, as he reported, "my skull being pretty thick, the hatchet would not enter." He was taken as a prisoner to Vincennessm. Fear of reprisals caused his release and the Indian tribes, now alarmed, came to him with offers of peace. Even Pontiac came to meet him and promised not to hinder British occupation. Croghan sent word of this to Fort Pitt, and soon a company of English soldiers under Capt. Stirling floated down the Ohio and occupied Illinois. Croghan returned overland to Fort Pitt and there held another important Indian conference.

In 1766 Croghan, with seventeen bateaux, once more started from Fort Pitt on a dangerous but successful voyage of over a thousand miles to make a final formal treaty with the Illinois Indianssm. More than a thousand came, representing twenty-two "tribes or bands," and on Aug. 25 and 26 presents were given and a "Gen-

eral Peace and Reconciliation" was declared. Croghan then returned by way of New Orleans to New York. For the first time in history, business connections between the Illinois country and the Atlantic seaboard had been established, and Indian traders, land speculators and settlers were greatly stimulated to exploit the West.

[*Illinois Historical Collections*, XI; A. T. Volwiler, *George Croghan and the Westward Movement*.]

A. T. VOLWILER

Crompton Loom, the first successful power loom for making fancy cotton fabrics, was invented—and patented in 1837—by William Crompton, an English weaver who had settled in Massachusetts. Crompton subsequently adapted this loom to the manufacture of fancy cassimeres at Lowell and thus introduced a new era in the American wool manufacture.

VICTOR S. CLARK

Crop Failures in different regions and for various plants have paralleled the nation's agricultural history and have been associated with all major financial depressions. The disasters have been due to faulty or improvident adaptations and rotations, climatic disturbance or inadequacy, and plant diseases and pests. In the colonies European small grains were at first unproductive and further experience showed that the coastal plain was not suited to the maturing of wheat. By the close of the period the thin soils of the tobaccosm belt in many instances had been so exhausted that diversified cultivation was necessary for restoration. At the beginning of the 19th century wheatsm in most parts of New England was destroyed by a rust due to deficiency in the soil, ineffective rotation and fertilization and possible infection from the barberry bush. The continuous cropping of the prairies brought failures in the wheat crop that influenced the transition by the 1850's to more diversified stock raising. Cottonsm as a cropping staple, either of plantation or small farm, was less exhausting than many crops but diminishing returns inevitably resulted, determined in time and extent by soil, topography and degree of exploitation. In wide areas East and West lands have been rendered unproductive by the erosion of the top soil (*see* Soil Erosion).

These failures in the humid zones have been due primarily to unscientific or short-sighted systems of cultivation. The most disastrous failures have attended the extension of normal cultivation into the sub-humid belt beyond the 100th meridian. In the early 1880's, a period of abnormal rainfall, the region was subjected to an intensified settlement boom through the in-

ducements of liberal land policies, railroad advertising and local promotion. The recurring dry years brought a decade (1886-97) of crop failures to settlers beyond the safety line with consequent ruin and wide depopulation.

Again during the World War under stress of food demands and mounting prices the plow broke much more of the natural covering of the plains, portending future tragedy. In 1930, 1934 and 1936 drouthssm of unprecedented extent and severity occurred. That of 1934 affected three fourths of the country in twenty-seven states from Montana to Texas, and eastward into large areas of the Mississippi and Ohio valleys. Corn production fell to the lowest figure since 1881. The year 1936 witnessed extremes of Eastern floods and Western drouths. Throughout these years dust storms of unexampled extent and destructiveness swept the exposed Southwestern plains area, removing vast layers of soil and destroying vegetation.

Drouth has contributed to grasshoppersm and other pests from the 1880's on, and foreign importations have added such menaces as the boll weevilsm from Mexico, and the fruit fly and corn borersm from southern Europe. Many plant diseases developing in older areas of cultivation have spread widely their devastations.

Crop failures from all these causes have brought far-reaching problems of temporary relief, and of permanent alteration or readjustment of production.

[L. B. Schmidt and E. D. Ross, *Readings in the Economic History of American Agriculture*, J. D. Hicks, *The Populist Revolt; Yearbook of Agriculture*, 1935-37.]

EARLE D. ROSS

Cross Keys, Battle of, was an engagement (June 8, 1862) near Harrisonburg, Va., during "Stonewall" Jackson's (C.) retreat up the Shenandoah Valley (*see* Jackson's Valley Campaign). Gen. Ewell (C.), with 6000 infantry and 500 cavalry, repulsed an attack by Gen. Frémont's (U.) force of 10,000 infantry and 2000 cavalry. Frémont showed little skill or confidence in his direction of the battle. The Federal loss was 684 killed, wounded and missing; the Confederate, 288.

[G. F. R. Henderson, *Stonewall Jackson and the American Civil War*.]

W. N. C. CARLTON

Cross of Gold Speech (July 9, 1896). "You shall not press down upon the brow of labor this crown of thorns, you shall not crucify mankind upon a cross of gold." So William Jennings Bryan, a delegate from Nebraska, concluded his attack upon the single gold standardsm before the

Democratic national nomination convention at Chicago. Bryan's speech was not so notable for the cogency of its reasoning as for the distinction of its rhetoric and the perfection of its delivery; all of which, in spite of the appearance of spontaneity, was carefully planned in advance. The free silver^{er} delegates, recognizing in Bryan the leader they had sought, made him the convention nominee.

[W. J. Bryan, *The First Battle*; Mark Sullivan, *Our Times: The Turn of the Century*.]

JOHN D. HICKS

Croswell Libel Suit (1802-1805). Harry Croswell, an editor of Hudson, N. Y., in 1802 published in *The Wasp* an attack on President Jefferson for which he was convicted of criminal libel. According to traditional legal procedure, as in the Zenger trial^{er}, no evidence except the fact of publication was admitted. In an appeal to the state supreme court Alexander Hamilton argued for the right to submit the truth of the case in evidence. His plea was instrumental in liberalizing the libel^{er} law of the state by an act of April 6, 1805, and so achieved an outstanding victory for the freedom of the press^{er}.

[*New York Supreme Court Reports*, 3 Johnson 337-413.]

MILTON W. HAMILTON

Crow-Bar Law, THE, of Ohio (Feb. 8, 1819), taxed branches of the Bank of the United States^{er} and authorized the state officers, if necessary, to collect the tax by going into every room and opening every chest of the bank. Despite an injunction, state officers took \$100,000 from the branch at Chillicothe. The Supreme Court (*see* Osborn et al. v. U. S. Bank) forced the return of the money, holding that a state could not tax a Federal instrumentality. (*See also* McCulloch v. Maryland.)

[J. B. McMaster, *History of the People of the United States*.]

JAMES D. MAGEE

Crow Indians, THE, formerly were part of the Siouan tribe, Hidatsas (Gros Ventres^{er}) of the Missouri River, but separated from them late in the 18th century. Lewis and Clark^{er} found them in 1804 near their present site on the Big Horn River.

The Crows were warlike and of fine physique. Maximilian, in 1843, counted 400 lodges and herds totaling 10,000 horses, chiefly acquired in the Crows' constant wars with the Teton Sioux and Blackfeet. The Crows early adopted unwavering friendship for the whites and provided scouts for the Army in many Indian campaigns.

[Frank Linderman, *American*; F. W. Hodge, *Handbook of American Indians*.]

PAUL I. WELLMAN

Crow Wing, Battle of (ca. 1768). Four hundred Sioux^{er}, paddling down the Mississippi after an unsuccessful raid on the Sandy Lake Chippewa, were ambushed by Chippewa^{er} opposite the mouth of the Crow Wing River, Minn. In a desperate two-day battle, the Sioux were decisively defeated, to end the last major attempt to check the Chippewa immigration.

[W. W. Warren, *History of the Ojibway Nation*; W. W. Folwell, *A History of Minnesota*, I.]

WILLOUGHBY M. BABCOCK

Crow Wing, Treaty with Chippewa at (Sept. 15, 1862). August, 1862, brought threats of serious trouble with the Pillager Chippewa near Fort Ripley^{er}, Minn. Under authorization from the Minnesota legislature but without Federal authority, Gov. Ramsey and a state commission negotiated a treaty with these Indians at Crow Wing, Sept. 15, which provided for continued friendship, adjustment of Indian claims, and a guarantee of full annuities without deductions for depredations. Since Indian affairs were entirely Federal matters, the proposed treaty was invalid and disregarded.

[W. W. Folwell, *A History of Minnesota*.]

WILLOUGHBY M. BABCOCK

Crowder Mission. *See* Cuba, Intervention in, Third, 1917-23.

Crown Lands. Under the feudal conceptions that obtained when America was colonized by the English, all lands available for settlement were considered to be land pertaining to the crown, which, therefore, was able to alienate these through royal patent, under such conditions as seemed most desirable. This land was, therefore, crown land. With alienation under royal patent, it became either proprietorial land or land belonging to the corporate colonies and thereby largely escaped the control of the crown, and was subject only to those incidental charges as were laid down in the patents, such as pertained to the mining of the precious metals or to such regulations as were provided for protecting the white-pine masting timber. In those colonies that were governed under royal charter all lands that had been granted to individuals, unless specifically exempted, were theoretically subject to royal quit-rents^{er}. These lands were not, however, technically known as crown lands.

[L. H. Gipson, *The British Empire before the American Revolution*.]

LAWRENCE HENRY GIPSON

Crown Point, a promontory on the west shore of Lake Champlain in northern New York, was

a bone of contention between New France and the English colonies. Champlain passed the spot in 1609 on his way to Ticonderoga^m. Either Crown Point or Chimney Point, situated directly across the lake in Vermont, was called by the French *La Pointe à la Chevelure*. This appellation may have referred to a growth of bushy trees resembling a head of hair or to some scalp-ping incident.

In 1690 a scouting party from Albany^m erected a temporary "Little Stone Fort" near Crown Point. Gov. Beauharnois of New France in 1730 sent a small force to the point to intercept traders from Albany, and in the next year Louis XV ordered "a fort of stockadoes" built, which was soon strengthened by a "Machicoulis Redoubt," a citadel with projecting stories. The fort was named St. Frederic.

Only three days' march (110 miles) from Albany, Fort St. Frederic served as a base for French raiding parties against New York and New England. The English held that it was erected in violation of the Treaty of Utrecht^m (1713), in which France acknowledged the Iroquois^m to be English subjects. The fort was extremely vulnerable to an invading army, but England and her colonies usually did not work well together in military matters. Expeditions were planned by Governors Clinton of New York and Shirley of Massachusetts during King George's War^m; and others were commanded by William Johnson in 1755, and Abercromby in 1758, but they failed to reach St. Frederic. Not until July 31, 1759, did Lord Amherst force Bourlamaque to blow up the fort and retreat (*see* French and Indian War). Amherst then built a huge new fortress, called by the British Crown Point or Amherst, but in 1773 it was almost completely destroyed by fire.

Col. Seth Warner and the Green Mountain Boys^m had no difficulty in taking Crown Point from its small garrison on May 12, 1775. It was of some importance during the Revolution, serving mainly as an advanced post of Fort Ticonderoga. In 1910 the property containing the ruins of the two forts was deeded to the State of New York for a state park.

[*Documents Relating to the Colonial History of the State of New York*; G. O. Coolidge, *The French Occupation of the Champlain Valley*, Vermont Historical Society *Proceedings*, 1938; W. H. Crockett, *History of Lake Champlain*.]

EDWARD P. ALEXANDER

Crown Point to No. 4. After the capture of Crown Point^m by Gen. Amherst in 1759 he ordered a road cut through the wilderness of what is now Vermont to old Post No. 4 at Charlestown on the Connecticut River. The road, laid

out twenty feet wide, was built to facilitate the movement of troops and supplies from the east in Amherst's campaign against Montreal, and served as an important military pathway during the remainder of the war and also during the Revolutionary War. It served to acquaint the soldiery and other frontier travelers with the desirability of the lands in the New Hampshire Grants^m.

[*Proceedings of the Vermont Historical Society*, New Series, Vol. II, No. 4, *The Crown Point Road*.]

LEON W. DEAN

Crozat Grant. France, in 1712, granted Anthony Crozat a charter of government and monopoly over Louisiana^m. He was responsible for all expense of government. His governor, De la Motte Cadillac, securing very limited results, particularly in his encouragement of lead mining, Crozat surrendered his grant in 1717. (*See also* Mississippi Bubble)

[Louis Houck, *History of Missouri*.]

W. J. HAMILTON

Cruisers. *See* Warships.

Crystal Palace Exposition. *See* Exhibition of the Industry of All Nations.

Cuba. Strategically the key to much of the Western Hemisphere, Cuba has been important out of all proportion to her size and population. The island was settled by the Spanish in 1515, thereafter becoming a base for many expeditions to the mainland. In 1762 it was captured by the British, but returned to Spain by the Treaty of Paris, 1763^m. In 1777 Cuba was made a captaincy-general. Both before and after that date—except from 1763 to 1800—it included all Spanish Gulf territories from Florida to Louisiana.

At the turn of the 18th century occurred an influx of many French and Spanish from Hispaniola, primarily fugitives from the Negro rebellion. Hospitably received at first, the newcomers greatly stimulated Cuban economic and cultural life, but, with Napoleon's conquest of Spain, many of the French were persecuted and exiled.

Cuba was always strongly held by Spain, and remained loyal during the Hispanic-American wars of independence. Nevertheless, desire for separation was present and manifested itself sporadically throughout the century. At first, Cuban advocates of separation generally favored annexation to the United States, which country became the base for much of their propaganda. Climaxing this early phase of the movement were the abortive filibustering attempts of Nar-

ciso López[™], Venezuelan expatriate, who, during 1849–51, twice descended upon Cuba with expeditions recruited in the United States.

Meanwhile, in the 1840's and 1850's, the Cuban policy of the United States, which theretofore had generally favored Spain's retention of the island lest it fall to England or France, reacted sharply to the stirrings of "manifest destiny"[™] and the imperialism of the slavery-extension group. Presidents Polk, Pierce and Buchanan endeavored to buy the island or gain its voluntary cession, while the Ostend Manifesto[™], drawn up in 1855 at a conference between the American ministers to London, Paris and Madrid, boldly claimed the right to annex Cuba should purchase offers be refused. These and other Cuban projects were defeated by Spain's unwillingness to sell and the opposition of the antislavery Northern states of the American Union. The Civil War ended United States efforts to acquire Cuba, although the question was temporarily revived during the Cleveland administration (1885–89).

In 1868 began the Cuban rebellion known as the Ten Years War. Though most Cubans now wanted independence, various annexation overtures were made to the United States. These were rejected, however, and the United States maintained neutrality, despite the pro-Cuban sympathies of President Grant. Following the cessation of hostilities, in 1878, the United States, whose Cuban commercial and financial interests were fast increasing, futilely endeavored to effect the relaxation of Spanish trade restrictions and the liberalization of Cuban government. With little prospect of Spain's granting such reforms, the Cubans again arose, on Feb. 24, 1895. After two years of brilliant insurrectionary victories, Spain gradually prevailed, as thousands died in the reconcentration camps established by the notorious Spanish general, Valeriano Weyler.

In the United States, anti-Spanish feeling rose to fever heat in response to pro-Cuban propaganda in sensational American newspapers, especially Hearst's *Journal* and Pulitzer's *World*, bitter New York rivals. Behind much of this propaganda was the Cuban junta in New York, which, indeed, was the real directing agency of the revolution.

Reacting to popular belligerent spirit, Congress authorized war April 20, 1898, and Spanish capitulation ended a brief struggle (see Spanish-American War). Formally placed under United States military government in January, 1899, Cuba became a republic in May, 1902, after guaranteeing certain United States interests by acceptance of the so-called Platt Amendment[™]. Subsequent political turbulence brought formal

United States intervention from 1906 to 1909, the landing of marines for a few weeks in 1917, and, in 1921, the mission of Gen. Enoch Crowder as advisor to the Cuban government. Though the Platt Amendment was abrogated in 1934, United States influence in Cuban affairs has continued to be strong.

[C. E. Chapman, *A History of the Cuban Republic*; R. H. Fitzgibbon, *Cuba and the United States, 1900–1935*; J. de la Pezuela y Lobo, *Historia de la isla de Cuba*.]

CHARLES EDWARD CHAPMAN
ROBERT HALE SHIELDS

Cuba, Intervention in, First (1898–1902). The United States, though pledged by the Teller Resolution[™] not "to exercise sovereignty, jurisdiction or control" over Cuba "except for the pacification thereof," found it necessary to occupy and administer the island for three and one half years after the termination of the Spanish-American War[™]. Under the military governorship of Gen. John R. Brooke (Jan. 1, 1899–Dec. 13, 1899) and Gen. Leonard Wood (Dec. 13, 1899–May 20, 1902) notable reforms in the life and government of the island were instituted, including reorganization of the courts, increase in the power and responsibility of the municipalities, establishment of schools, sanitation of cities, the conquest of yellow fever[™], the legalization of civil marriage, the construction of hospitals, roads, bridges, telephone and telegraph lines and railways. The principal object of the military occupation, however, was to prepare the way for an independent and sovereign Cuban government.

After experiments with new electoral machinery in the municipal elections of June, 1900, Gen. Wood ordered an election of delegates to a constitutional convention, which was not only to frame a constitution for the Cuban Republic but was also to embody in that instrument an agreement with the Government of the United States "upon the relations to exist between that Government and the Government of Cuba." The Convention met in Havana in November, 1900. By February, 1901, it had completed work on the constitution, except that it had neglected to make any provision for relations with the Government of the United States. Elihu Root, Secretary of War, found it necessary, therefore, to formulate a statement of the relations between the two governments upon which the United States was prepared to insist, and this statement, known as the Platt Amendment[™], the Cuban Convention was required to attach as an appendix to the constitution before the United States would relinquish military control. In general, the Platt

Amendment was designed to safeguard the independence of Cuba, to insure the permanence of the reforms instituted under the military government, and to permit the United States to establish naval bases in Cuban waters and to intervene to preserve the independence or the internal order of the island. After it had been, of necessity, accepted by the Cuban Convention, the Cubans were permitted to elect a President and Congress (Dec. 31, 1901), and with the inauguration of President Estrada Palma (May 20, 1902) the American intervention ended and Cuba assumed its place as an independent republic.

[C. E. Chapman, *History of the Cuban Republic.*]

JULIUS W. PRATT

Cuba, Intervention in, Second (1906-9). The Cuban Liberal party, defeated in the election of 1905, revolted against President Estrada Palma's government in August, 1906. The president soon afterwards requested the United States to restore order, invoking the Platt Amendment⁷⁰. Though unwilling to intervene, President Theodore Roosevelt sent Secretary of War Taft and Assistant Secretary of State Bacon to render such aid as might be possible. When their attempts to bring about a compromise failed, Estrada Palma and his cabinet resigned, leaving the island without a government. Mr. Taft therefore assumed control as Provisional Governor on Sept. 29. He was succeeded in October by Charles E. Magoon. The congress did not function, but other Cuban officials remained in office.

Order was re-established, and an advisory commission headed by Col. E. H. Crowder drafted important and much-needed laws, paving the way for new elections and reorganizing the administration. Cuban historians have charged that the Provisional Governor permitted undesirable and corrupt political practices and was unduly generous in granting pardons. North American investigators have considered these charges exaggerated. After an election in November, 1908, José Miguel Gómez, a Liberal, was inaugurated as president on Jan. 28, 1909, and the intervention ended.

[C. E. Chapman, *A History of the Cuban Republic.*]

DANA G. MUNRO

Cuba, Intervention in, Third (1917-23). Disputes over a presidential election led the Liberals of Cuba to revolt against President Menocal's administration in February, 1917. The movement collapsed after the United States announced that it would support the constitutional government, but American marines which had

been landed to protect foreign interests remained in Cuba to prevent interference with sugar production during the World War.⁷¹

Cuba declared war on Germany in 1917 and co-operated with the Allies by greatly expanding her production of sugar, which was delivered at a fixed price. With the removal of price restrictions after the armistice⁷², there was a period of wild speculation followed by a disastrous collapse. Meanwhile disputes about the presidential election of 1920 threatened to produce a new civil war. Gen. Enoch H. Crowder was therefore sent to Havana as personal representative of President Wilson in January, 1921. He settled the electoral question, though over the protests of the opposition party, but emergency legislation adopted at his suggestion failed to prevent the collapse of nearly all of the country's banks. His insistence on reforms in the government's financial administration bore more fruit. The budget was reduced and \$50,000,000 was borrowed in New York to refund the floating debt. To obtain the consent of the United States to this loan, President Zayas promised a number of much-needed reforms, and appointed the so-called "honest cabinet" to assure their realization. With the money in hand, however, he refused to submit longer to dictation from the United States. Gen. Crowder's status as personal representative of the President of the United States ceased when he was appointed American ambassador to Cuba in January, 1923.

[C. E. Chapman, *History of the Cuban Republic.*]

DANA G. MUNRO

Cullom Committee. Sen. Shelby M. Cullom of Illinois was made chairman of the Committee on Interstate Commerce in 1883, when the 48th Congress was organized. This committee had never been regarded as an important one, but, to the consternation of the party leaders, Cullom took the assignment seriously, launching an investigation of the railroads, out of the findings of which developed the Interstate Commerce Act⁷³ of 1887.

[James F. Rhodes, *History of the United States*; I. L. Sharfman, *The Interstate Commerce Commission.*]

W. BROOKE GRAVES

Culpeper's Rebellion (North Carolina, 1677-79), one of the first popular uprisings in American history, was caused by the efforts of the Proprietary government to enforce British trade laws. When Gov. Miller arrested George Durant, the leader of the "popular party," John Culpeper and the "rebels" seized the governor and other officials, jailed them, convened a legisla-

ture of their own, chose Culpeper governor, and for two years efficiently administered public affairs. Culpeper was finally removed by the Proprietors (*see* Carolina Proprietors), but was never punished.

[R. D. W. Connor, *North Carolina: Rebuilding an Ancient Commonwealth*, I.]

HUGH T. LEFLER

Cumberland, Army of the, evolved from the Army of the Ohio^o, originally commanded by Gen. D. C. Buell, was so designated when Gen. W. S. Rosecrans took command, Oct. 30, 1862. He was succeeded by Gen. George H. Thomas, Oct. 16, 1863. Operating mainly in the states of Kentucky, Tennessee and Georgia, it played an important part in the battles of Mill Springs, Shiloh, Perryville, Stone's River, Chickamauga, Chattanooga, Lookout Mountain, Missionary Ridge and in Sherman's Atlanta campaign^o—in the latter numbering 60,773 men. It comprised regiments chiefly from Ohio, Indiana, Illinois, Michigan, Minnesota and Wisconsin

[H. M. Cist, *Army of the Cumberland*.]

W. N. C. CARLTON

Cumberland, Fort, was situated within the present limits of Cumberland, Md. Here at the junction of the Potomac River and Wills Creek the Ohio Company of Virginia^o built a storehouse in 1750. In 1754 a small fort was constructed by colonial troops and called Fort Mount Pleasant. A larger fort was erected in 1755, as the base of operations for Braddock's expedition^o, and renamed Fort Cumberland in honor of the Duke of Cumberland. Largely a stockade work, except for a small bastioned fort at the western end, it was 400 feet long and 160 feet wide. Although too remote to afford much protection for the frontier settlers to the east, it served its purpose as a base for western expeditions. Abandoned in 1765, it was not occupied again except for a few days in 1794 during the Whisky Insurrection^o.

[W. H. Lowdermilk, *History of Cumberland, Maryland*.]

ELIZABETH C. LITSINGER

Cumberland Compact. *See* Cumberland Settlements.

Cumberland Gap, in the Appalachian Highlands, is comparable historically to South Pass^o in the Rockies. It has an altitude of some 1665 feet and is on the border of Kentucky, Tennessee and Virginia, about forty-five miles northeast of Knoxville. For centuries before the white man came, the defile allowed the Warrior's Path^o of Kentucky to connect with the vast system of

trails used by the Indians (and the buffalo too) in the southeastern part of North America. Dr. Thomas Walker named the Gap when he and his party came through it to the region westward in 1750 (*see* Loyal Land Company), and by 1800 thousands of hunters and settlers had used this pass to enter Kentucky. Through it passed Daniel Boone's party and the Long Hunters^o in the late 1760's, and there the Indians relieved the Boone party of their pack horses and pelfries in 1771. This gateway again admitted Boone, with his axmen, in March, 1775, as they marked a trail to the Kentucky River for the Transylvania Company^o. The next month Judge Richard Henderson^o and others came over this Wilderness Road^o to make permanent the settlement at Boonesborough^o.

A mail route through the Gap to Danville was established in 1792, and the legislature of Kentucky appropriated a total of £2500 in 1795 and 1797 to build a road from Crab Orchard^o to the pass. Virginia improved the road on the other side of the opening in 1796. In 1797 the first toll-gate^o in Kentucky was located on this road a short distance north of the defile, and for a time a body of armed men was necessary to compel the payment of tolls at the gate. For many years the people of the commonwealth drove their stock through the Gap to markets on the coast. The Southern and the Louisville and Nashville railroads^o reached the pass in 1889 and 1890, respectively, and today a great national highway also uses the gateway.

Cumberland Gap was a strategic point during the Civil War. The Confederates occupied it very early, but retired in June, 1862, to strengthen their hold on Chattanooga^o. Soon thereafter Gen. George W. Morgan, who had been trying to dislodge Gen. Kirby Smith, then in command there, fortified the place and from it distributed supplies to East Tennessee until after Smith's victory at Richmond^o, on Aug. 30, 1862, when the Confederates occupied the pass again (*see* Kentucky, Invasion of). Gen. Bragg retreated through the defile after his defeat at Perryville^o in October, 1862, but the Federals did not retake it until September, 1863. They retained possession until the end of the war.

[R. S. Cotterill, *Pioneer History of Kentucky*; Mary Verhoeff, *The Kentucky Mountains*; George W. Ranck, *Boonesborough*; *War of the Rebellion: Official Records of the Union and Confederate Armies*, Series I, Vols. XVI, XXX.]

JONATHAN T. DORRIS

Cumberland Presbyterian Church, THE, originated in 1810 in a separation of the Cumberland Presbytery of eastern Tennessee and Ken-

tucky from the Presbyterian Church^o. The separation was caused by the action (1806) of the Synod of Kentucky in dissolving the Cumberland Presbytery for ordaining uneducated ministers in the great religious revival^o then sweeping the West. The church grew rapidly and in 1813 formed the Cumberland Synod composed of three presbyteries, in 1829 a General Assembly of the church was formed. The Cumberland Presbyterians, adopting the Westminster Confession^o of Faith, differed little from the mother church in creed and little in practice as it gradually established schools for the training of its ministry. The Cumberland Presbyterians were chiefly Southern people. In 1906 they united with the Southern Presbyterian Church (The Presbyterian Church in the United States). At the time of this action the church had a membership of 200,000.

[R. V. Foster, *The Cumberland Presbyterian Church.*]

R. S. COTTERILL

Cumberland River, THE, was named by Dr. Thomas Walker in 1750. Near it and not far from Barbourville, Ky., Dr. Walker's exploring party built the first known cabin in Kentucky and there spent the winter of 1750-51 (*see* Loyal Land Company). The Wilderness Road^o crossed the stream a short distance from Cumberland Gap, and many early adventurers and settlers in Kentucky and Tennessee (*see* Cumberland Settlements) followed the river to their destinations. Among the earliest were the Long Hunters^o in 1769 and John Donelson's and James Robertson's parties of settlers in 1779-80. In 1780, 300 bushels of corn, grown at Boonesborough^o, were shipped in pirogues^o via the Kentucky, Ohio and Cumberland rivers to the fort where Nashville^o now stands.

[T. P. Abernethy, *From Frontier to Plantation in Tennessee*; Thomas Speed, *The Wilderness Road.*]

JONATHAN T. DORRIS

Cumberland Road, sometimes called the United States or National Road^o (especially along its western portions), was the first national road in the United States. Its influence upon the development of the Ohio and upper Mississippi valleys^o was incalculable. Previous to the construction of this highway the only route through southwestern Pennsylvania to the West had been Braddock's Road^o. The latter, however, for many years had deteriorated, and travelers had come to prefer the more northerly Forbes Road^o. In April, 1802, Congress passed an enabling act for Ohio preparatory to its admission into the Union. One of the provisions of this law set

aside 5% of the net proceeds of the public lands^o sold by Congress within Ohio for the building of a national road from the waters flowing into the Atlantic, to and through the state of Ohio. A second act passed in March, 1803, allocated 3 of the 5% for the construction of roads within Ohio and the remaining 2% for the road from the navigable waters draining into the Atlantic to the Ohio River. Congress in March, 1806, provided for the marking and construction of the road from Cumberland, Md., as the eastern terminus, to the Ohio.

The construction of the road began in 1811, and by 1818 the United States mail was running over it to Wheeling^o. In general the route followed older roads or trails, especially Braddock's Road. Immediately the popularity of the road was tremendous.

Although Maryland, Pennsylvania and Ohio each gave permission (in 1806, 1807 and 1824, respectively) for the building of the road within their boundaries, constitutional difficulties soon arose. In 1822 Congress passed a bill for the establishment of tollgates^o along the highway to permit the collection of revenues for the repair of the road. President Monroe, however, saw danger in the enforcement of such legislation, and vetoed the bill. Penalties to be inflicted upon those who violated the requirements of the law, in his opinion, would involve an unconstitutional assumption of the police power of the states by the Federal Government. Congress, nevertheless, soon voted money for repairs and in March, 1825, appropriated funds for extending the road from Wheeling to Zanesville, Ohio. Over this route the highway followed the first road built in Ohio, Zane's Trace^o, which at Zanesville turned southwestward to Lancaster, Chillicothe and the Ohio River. Parts of the Cumberland Road were later turned over to Maryland, Pennsylvania, Ohio and Virginia (1831-34), tollgates in some cases being erected by the state authorities. From time to time Congress voted additional funds for the continuance of the road through Ohio, Indiana and Illinois. The highway, however, was only completed in Indiana and Illinois after the Federal Government had relinquished its control. The last important Federal appropriation for it was made in 1838, an additional small item on the account of the survey to Jefferson City, Mo., being voted in 1844.

The road to Vandalia, Ill., beyond which it was not located, was 591 miles in length, built at a cost of almost \$7,000,000 to the Federal Government.

[A. B. Hulbert, *The Paths of Inland Commerce*; Jeremiah

S. Young, *A Political and Constitutional Study of the Cumberland Road*.]

FRANCIS PHELPS WEISENBURGER

Cumberland Road, THE, from East Tennessee to the Cumberland settlements^q (not to be confused with the Cumberland Road^q) was opened in 1795. Beginning at Southwest Point^q it ran through Cherokee territory to Fort Blount on the Cumberland, and thence down the north side of the river to Nashville. Permission to open the road through Cherokee territory was granted in the Holston Treaty^q of 1791. The road became a post route in 1797.

[A. C. Holt, *The Economic and Social Beginnings of Tennessee*, in the *Tennessee Historical Magazine*, Vol. 7.]

R. S. COTTERILL

Cumberland Settlements. The immense domain acquired by the associates known as the Transylvania Company^q from the Cherokees^q in March, 1775, by the Treaty of Sycamore Shoals^q, covered lands on the Cumberland River^q and below. Until the state line between Virginia and North Carolina was extended in 1779-80 it was not certainly known whether the country around the French Lick was in North Carolina. Richard Henderson^q, leader of the Transylvania Company, engaged James Robertson, for years a leader in the Watauga Settlement^q, to lead a party to French Lick, site of later Nashborough (Nashville^q), to found a settlement. Henderson accepted appointment as one of North Carolina's commissioners to survey and mark the Virginia-North Carolina line westward. Robertson and a small party set out from the Holston and Watauga on Feb. 6, 1779, for French Lick where cabins were built and corn was planted that bread might be made for the main body of immigrants who were to arrive in the fall. Robertson returned East to lead an overland party to the Cumberland, and Col. John Donelson led a flotilla of flatboats down the Tennessee and up the Cumberland, his daughter Rachael (Mrs. Andrew Jackson) being one of the many passengers. Several rude forts were constructed, around which settlements formed. After the conclusion of the survey of the state line which demonstrated that the region was in North Carolina, Henderson went to French Lick in April, 1780, and proceeded to organize a government under articles drafted by him, known as the Cumberland Compact, bearing date, May 1, with supplementary articles of the 13th. This instrument embodied agreements between the Transylvania Company and the settlers respecting lands to be acquired from the company, and also some of the main features of

the Watauga Association. The legislature of North Carolina, in 1783, declared the Transylvania purchase void, but provided for Henderson and his associates a consolation grant of 200,000 acres of land on Clinch and Powell rivers. (See also *Virginia v. Transylvania Company*.)

[A. W. Putnam, *History of Middle Tennessee*.]

SAMUEL C. WILLIAMS

Cummings v. Missouri (1866) was a case in which the United States Supreme Court invalidated a provision in the Missouri Constitution of 1865 requiring public and corporation officers, attorneys, teachers and clergymen to take an expurgatory oath before entering upon the duties of their offices or practising their professions, since it violated the Federal constitutional prohibition of bills of attainder (see *Garland Case*; *Test Oath Cases*).

[*Cummings v. Missouri*, 4 Wallace, 277.]

P. ORMAN RAY

Cup Defenders. See Yacht Racing.

Curfew Bell, THE, was a bell tolled at a fixed hour of night in England and some European countries during the Middle Ages. Traditionally it was the signal to comply with a supposed police regulation requiring people to bank their fires, extinguish lights and go to bed. In the United States the curfew signal still survives in some towns as a means of apprising citizens of the correct time. Legal measures prohibiting nocturnal activities of various kinds, including female or child labor, are often referred to as curfew laws in the United States. In the South before the Civil War slaves were warned from the streets after nine P.M. without a pass from their owners. Perhaps the most typically American curfew custom prevailed in many cities and towns about 1900, when municipal ordinances and even state statutes provided that children under fifteen years of age should not be on the streets after nine P.M. in summer and eight P.M. in winter without the written consent of their parents. A common American curfew law is the tavern-closing ordinance, such as that prohibiting merrymaking in taverns after nine o'clock at night in colonial Massachusetts.

STANLEY R. PILLSBURY

Currency. In the strictly technical sense a nation's currency is the physically circulating medium which has been legally sanctioned. In a wider sense it is whatever medium of exchange passes current. American currency must be considered in this wider sense, for much of our

currency has been without legal standing and some has been of dubious legal status.

The history of our colonial currency⁷⁷ is a tangled record of nondescript currency materials, uncertain valuations and arbitrary legal enactments. The British colonists brought with them wholly inadequate supplies of English coins, and the unwise policy of the mother country in suppressing colonial mints prevented a domestic supply. Necessity drove the colonists to the use of a hodgepodge of coins⁷⁸ from all over the world, various commodities such as Indian wampum⁷⁹ and beaver skins and paper notes issued by the various colonies. In certain areas commodities⁸⁰ served as a basic money, and receipts and certificates covering them were a currency. Tobacco⁸¹ was the outstanding commodity, but lumber, rice, pitch, corn, and others served at times. Dependent largely for coins on gold, silver and copper pieces brought by immigrants, pirates and traders, especially through the French and Spanish ports, they used with equal freedom the gold coins of Arabia (*see* Arabian Gold) or the silver pieces of Sweden. The silver pieces of Spain, from the mints of Mexico and Peru, gradually emerged to dominance (*see* Spanish Dollar).

The colonists tenaciously clung to the British system, maintaining an imaginary standard of value and accounts in pounds, shillings and pence. Each colony set its own legal value for current coin, and gradually there were established nominal and arbitrary valuations for the current Spanish coins, giving rise to an extraordinary confusion of values which was not relieved by futile prohibitions by Parliament. A New Yorker, with a shilling value for the Spanish real, readjusted himself to a nine-pence value in Boston and an eleven-pence value in Philadelphia. The confusion was rendered worse by the issues of paper money, the "first tenor" of which declined in value and was followed by "second tenor" and "third tenor" which depreciated at differing rates. The first issue by Massachusetts in 1690 was also the first authentic government paper-money issue in history, although the "playing-card money" issued to French troops in Canada in 1685 bears some resemblance to government paper. The colonies differed in the degree to which they surrendered to fiat currency, but all of them suffered at intervals from 1690 to 1764, when England finally suppressed the issues.

In the Revolutionary period coin disappeared and the country lived through a regime of fiat money⁸², issued by both the Continental Congress⁸³ and the several states. The inevitable end was depreciation and repudiation.

The establishment of the United States coinage system in 1792 failed to create a national currency. With Hamilton's ratio of 15 to 1 adverse to gold, with an adverse trade balance, and with no gold mines in the country, there could be no gold currency. With the weight of the silver dollar⁸⁴ and its parts, 371¼ grains, greater than that of the worn and clipped Spanish coins in circulation there could be no large coinage of silver, as coinage could come only from melting of the Spanish pieces. The copper pieces were worth more as metal than as coin and did not circulate freely. For forty years the new currency system was an expensive failure. Year after year Congress renewed the legal tender⁸⁵ of Spanish coins. The people supplemented this with other foreign coins, "cut money" made by chopping up large coins, and occasionally by private coinage of gold pieces.

The establishment of a new ratio in 1834, the creation of a subsidiary silver coinage in 1853, creation of new copper and nickel coins in 1857 and the destruction of current Spanish silver finally created a standard currency of gold coin, a retail currency of silver and a petty currency of nickel and copper. After 1849 a flood of gold poured into the currency (*see* California Gold Rush), although its use was largely confined to the financial centers.

From 1800 the coin currency was augmented by bank notes⁸⁶, issued everywhere by state banks⁸⁷ under primitive and inadequate regulation, and for a time by the notes of the United States Bank⁸⁸. Regulation of issue by the states was ineffective, and the country endured a chaotic currency of bank notes of uncertain and varying value. For a quarter century or longer the bulk of American business was done with bank notes whose value fluctuated from day to day.

The Civil War drove out all coins and ushered in the Greenback⁸⁹ era, which lasted until 1879. In the war period state bank notes were abolished, national bank notes⁹⁰ were created, gold certificates were provided for, and a fractional paper currency⁹¹ was established. In the postwar period the minor coins were revised into a bronze and nickel coinage, the Bland-Allison Act and the Sherman Act⁹² revived the coinage of the silver dollar, never in circulation to any extent previously, as a debased "token" coin, silver certificates⁹³ were created and United States Treasury notes of 1890 (to pay for silver bullion) were provided for. By 1895 the country had the most confused and variegated currency any nation ever endured. Standard gold coin, debased silver dollars, subsidiary silver, Greenbacks, Treas-

ury notes of 1890, National Bank Notes, gold certificates, silver certificates, nickel coins and bronze coins, each type with its own legal-tender status, circulated in a heterogeneous mass. In 1913 Federal Reserve Notes and (later) Federal Reserve Bank Notes were introduced, the first of these gradually becoming the major currency of the nation, while the Treasury notes and the National Bank Notes have been withdrawn. The World War greatly restricted the use of gold, although the country did not actually suspend gold payments.

As a consequence of the depression of 1929 and the currency policies of the F. D. Roosevelt administration, the currency system has been revolutionized. The Government in 1933 and 1934 abrogated the gold standard^o, confiscated all gold in the hands of banks and individuals (*see* Gold, Federal Expropriation of), withdrew gold certificates, commandeered all silver stocks and added an enormous store of silver bullion. The gold and silver are stored in vaults (*see* Gold Hoards; Silver Purchase Act of 1934), and the currency of the country is a mass of paper money, chiefly Federal Reserve Notes and silver certificates, together with Greenbacks, Federal Reserve Bank Notes, and small silver and minor coins. This mass is not generally redeemable in gold, and the silver certificates are redeemable only in silver dollars worth about thirty cents each. The country now has an irredeemable paper currency.

From the making of "muskett bullets" a legal tender in 1641 to the Silver Purchase Act of 1934 our currency history is a dismal record of unsatisfactory currency materials, debased and irredeemable circulating media, and dangerous and unsound currency situations. The losses borne by the people from unhappy currency conditions are incalculable.

[A. B. Hepburn, *History of the Currency*; W. G. Sumner, *History of American Currency*; J. L. Laughlin, *Bimetallism*; N. Carothers, *Fractional Money*; C. J. Bullock, *Essays on Monetary History of the U. S.*]

NEIL CAROTHERS

Currency, Colonial, shows attempts to obviate the expense of a metallic currency. Wampum^o beads for a time could be exchanged for beaver skins. But artificial dyeing and overproduction lowered their value. Another device was to make commodities legal tender^o at certain rates. Virginia in 1619 set a price on tobacco^o and it became the usual money for many years, but overproduction caused a fall in value and necessitated revaluation. Massachusetts in 1631 made beaver skins legal tender at 10s. a pound and

corn at its market price, and in 1640 definite prices were set for grains. South Carolina in 1719 made rice receivable for taxes.

Massachusetts issued paper money^o in 1690 to pay its soldiers after an unsuccessful expedition against Canada (*see* Quebec, Attack by Phips). The example was widely followed and there were great abuses. The notes were rarely paid when promised. They depreciated greatly and creditors were forced to take them for debts. Besides issues for deficits there were issues to loan to farmers and businessmen. The Pennsylvania issue of this kind in 1723 was relatively well managed.

A bank meant an issue of paper money. The most persistent idea was that land might be used as security for notes (*see* Land Banks). A famous case was the Land Bank of 1740 in Massachusetts. Its career was stopped when in 1741 the Bubble Act of 1720 was applied to the colonies.

Massachusetts attempted to remedy the shortage of coins^o; from 1652 to 1684 her mint coined pine-tree shillings^o, sixpences and threepences. In an attempt to keep them in circulation they were made about 25% lighter than the corresponding English coins.

The metallic money of the colonies was composed of various foreign coins, mostly Spanish. There was a competitive overvaluation of the coins by the colonies, who hoped in this way to attract the coins.

[D. R. Dewey, *Financial History of the United States.*]

JAMES D. MAGEE

Currency, Continental, consisted of bills of credit^o issued by the Continental Congress^o and the states to assist in financing the Revolution^o. The first issue, of \$2,000,000, was voted on June 22, 1775, shortly after the battle of Bunker Hill. Between that date and Nov. 29, 1779, the Continental Congress authorized total issues of \$241,552,780. In addition to this the states issued bills in the amount of \$209,524,776, and there were doubtless also some unauthorized issues.

This was a tremendous amount of currency, considering the population of the country, and it shortly began to depreciate—slowly at first, more rapidly later. In 1779 the depreciation, in relation to specie, rose from 8 to 1 on Jan. 14, to 38½ to 1 on Nov. 17. In spite of partial redemption and retirement after 1779, the old continental currency depreciated more rapidly than ever. By January, 1781, it was valued at 100 to 1 and by May had practically lost its value. The phrase "not worth a Continental"^o comes from this period. Finally, under the funding act of 1790 (*see* Assumption of, and Funding of, Revolutionary Debt), the old continental issues were

accepted in subscription of United States stock (bonds) at the rate of 100 to 1.

[D. R. Dewey, *Financial History of the United States*; N. Carothers, *Fractional Money*, H. White, *Money and Banking*.]

FREDERICK A. BRADFORD

Currency, Red Dog and Blue Pup, were nicknames applied to state bank notes^{qv} in the era following the end of the Second United States Bank^{qv} when the circulating medium was largely the badly secured and fluctuating paper of the "wildcat" banks^{qv}, and probably based on engraved designs in some of the notes.

[A. B. Hepburn, *History of Currency in the United States*.]

W. A. ROBINSON

Currier & Ives. Nathaniel Currier, a lithographer, began issuing original colored prints in New York in 1835. James M. Ives became a partner in 1857. The firm's prints—sentimental, journalistic, sporting, humorous, etc.—became tremendously popular. When Ives, the survivor, died in 1895, the photograph was displacing the lithograph, and the partners' outmoded pictures, with their slight artistic value, seemed destined for oblivion. But within two decades the craze for antiques made them eagerly sought for, and their prices rose enormously, a single rare subject selling at auction for as much as \$3000.

[Russell Crouse, *Mr. Currier and Mr. Ives*.]

ALVIN F. HARLOW

Cushing's Treaty (Treaty of Wanghia, July 3, 1844) marked the opening of political relations between the United States and China, and through establishment of the most-favored-nation doctrine^{qv} in matters of commerce definitely secured for this country the trading privileges won by England as a result of the so-called Opium War (*see* Kearny's Mission to China). It introduced the principle of extra-territoriality^{qv} in the relations between China and the West. Provision was made that citizens of the United States accused of committing any crime in China should be tried only by their own consul and according to the laws of the United States, and that disputes between American citizens in China should be regulated by their own government.

[Tyler Dennett, *Americans in Eastern Asia*.]

FOSTER RHEA DULLES

Cusseta Indian Meeting. The Lower Creek^{qv} towns assembled at Cusseta, their principal peace town, in April, 1787, to consider tribal action against a forced cession of Oconee lands to Georgia. James White, United States Superin-

tendent of Southern Indians, was present, and urged, quite in vain, that the cession be confirmed. It was at this meeting that McGillivray^{qv}, the most influential of the Creek chiefs, made his famous proposal to cede the Oconee lands to Georgia provided the United States establish an Indian state west of the Altamaha.

[*American State Papers, Indian Affairs*, 1:18-31.]

R. S. COTTERILL

Custer Massacre. *See* Little Big Horn Battle.

Custom Houses, U. S., were first established during the colonial period (*see* Customs, Colonial), and after the Revolution broke out they were set up in the parts freed from British control. Under the Confederation the lack of national custom houses contributed to the inability to raise revenue and control shipping. As a consequence the Constitution (Art. I, sec. 8) gave power to Congress "To lay and collect Taxes, Duties, Imposts, and Excises" and "to regulate Commerce with foreign Nations." The first tariff act was passed July 4, 1789, and custom districts as well as the machinery to carry on their duties were established later in the same month. The custom houses were placed under the jurisdiction of the Treasury Department^{qv} by the act of Sept. 2, 1789, where they have since remained. Their chief functions are the collection of duties on imports, the prevention of smuggling, and the enforcement of laws restricting imports and exports. As agents of the Department of Commerce^{qv}, they enforce navigation and shipping laws, including registration of vessels. There are 48 customs collection districts and 305 ports of entry, divided into 7 comptroller districts. Each completely organized collection district has a collector, a surveyor and an appraiser, with their respective staffs. (*See also* Customs Administration.)

[George C. Thorpe, *Federal Departmental Organization and Practice*.]

ROSGOE R. HILL

Customs, Colonial. Since the various colonial systems prohibited some trade and forced the permitted trade into specified ships and channels, there was incentive for both foreigners and colonials to evade the restrictions. Colonial customs administration was as much concerned with the detection of fraud and smuggling as with the assessment of duties. The administration of customs was the general responsibility of the royal governors or the resident officials of the chartered colonies. Until about 1675 there were usually no special customs officers. At New Amsterdam^{qv}, for example, duties were paid to the Re-

ceiver of Revenues of the Dutch West India Company⁷, or, later, to the "farmer" of the revenues. In the English colonies either a revenue officer collected duties or, as in Massachusetts, their collection was farmed out.

The general outline of 19th-century customs administration⁷ emerged in the laws of one or another of the colonies. Appointment of various customs officers remunerated at least in part out of fees; the submission, under oath, of manifest and invoice declaring the quantity and value of dutiable goods; credit privileges in payment of duties; severe penalties for evasion of duties, the proceeds to be shared with informers or prosecutors; settlement of disputes over value of imports by an impartial board of appraisers. But this customs machinery proved incapable, even with the aid of the army and navy, of preventing the growth of smuggling⁷ in the decades before 1776.

The last colonial customs regulations were the short-lived laws passed during the Revolution. Most elaborate was New York's Act of 1784, model for the first customs law of the United States (*see* Custom Houses, U. S.). It embodied all of the provisions listed above, plus the privilege of importation in bond, except that the salary of the collector of customs was independent of the fees of his office.

[J. D. Goss, *History of Tariff Administration in the United States*.]

FRANK A. SOUTHARD, JR.

Customs Administration. In its first century Congress passed almost 300 laws regulating the collection of duties. The division of the country into customs districts, and the appointment of collectors, surveyors and other officers, was determined by the 1789 copy of the New York Statute of 1784 hastily enacted by the Continental Congress⁷, and by the basic Act of 1799. Congress has striven for a Customs Service free from bribery or favoritism. Thus officers were barred from any connection with shipping (1799) or with warehousing or cartage (1870), while by 1890 their remuneration was divorced from fees.

Most difficult has been import valuation for the levying of *ad valorem* duties⁷. Many times (notably 1828, 1864, 1890, 1922, 1930) Congress considered this problem. In general, invoice value has been accepted, but since 1922 some form of "American value" has been used if undervaluation is suspected. A major administrative task, particularly during periods when *ad valorem* tariffs have been important, has been the prevention of undervaluation of imports, the penalties for which have been repeatedly

strengthened (e.g., 1818, 1862, 1890, 1913). Until 1874 the vigilance of customs officers was stimulated by sharing with them the fines imposed on importers. To settle the inevitable disputes over import valuations, Congress established six salaried boards of appraisement in 1818; increased the appraisers between 1830 and 1857; and in 1890 set up a Board of General Appraisers whose valuation decisions were final but from which appeals on questions of law could be carried to the Federal Circuit Courts. The creation, in 1909, of the Court of Customs Appeals relieved the Circuit Courts of this extra burden.

Since 1842 Congress for several reasons has required cash payment of duties when goods are cleared by the customs, unless stored in bonded warehouses. This latter privilege (introduced in 1846) together with transportation in bond (1866, 1870) and drawbacks of duties (1799) have enabled importers to delay the payment of duties until goods are withdrawn from warehouse for use, and to avoid them completely if the goods ultimately are re-exported.

[J. D. Goss, *History of Tariff Administration in the United States*; *Dictionary of Tariff Information*, 1922.]

FRANK A. SOUTHARD, JR.

Customs Revenues prior to 1860 (except during the low-tariff decade, 1831-40) comprised from 80% to 90% and thereafter until 1910, from 45% to 55% of the ordinary receipts of the Government. During wartime the Government obtained extraordinary income from other sources. But in peaceful years the needs of the Treasury were usually an important consideration in tariff⁷ legislation. Thus in 1842 an empty Treasury demanded an increase in tariffs, while in 1857 redundant revenues prompted tariff reduction. The higher tariffs of 1861 and 1864 were expressly to raise money, however incidentally welcome they may have been to protectionists⁷. The reduction in import duties in 1872 and the increase of 1875 (both 10%) were dictated by the condition of the Treasury, while in 1890 sugar was put on the free list largely because Federal revenues were excessive. As late as 1897, "The question of protection and free trade still remained complicated with the revenue problem of the government . . ." Since 1915, however, customs revenues have been so small a part of ordinary Federal receipts (12%, 1921-30) as largely to divorce tariff and revenue problems.

[F. W. Taussig, *The Tariff History of the United States*; *Statistical Abstract of the United States*.]

FRANK A. SOUTHARD, JR.

Cyclones. See Tornadoes and Cyclones.

Dacia. Jan. 23, 1915, there sailed from Galveston for a German port the *Dacia*, its German registry and ownership but that month exchanged for American. Britain announced her intention to seize the ship despite the great danger of American retaliatory measures. Not to do so would invite more of her kind. Ambassador Page suggested to the British Foreign Office that the capture be made by a French ship. Thanks to Page—and Lafayette—this great menace to good Anglo-American relations was passed. The *Dacia*, by Frenchmen rechristened the *Yser*, was sunk later in the year by a German submarine.

[*Papers Relating to the Foreign Relations of the United States*, 1915, Supplement, B. J. Hendrick, *Life and Letters of Walter H. Page*.]

T. M. WHITFIELD

Dade Massacre, THE. On Dec. 23, 1835, at the outbreak of the Florida War²⁷, Maj. Francis L. Dade, with a force of 112, left Fort Brooke on Tampa Bay, to re-enforce the garrison at Fort King, about 130 miles to the northeast. To prevent surprise Maj. Dade sent out flanking parties, but when open country was reached by Dec. 28 they were not considered necessary. It is believed that the Indians got information of the movement from the guide, Luis Pacheco, a slave, who from time to time left the troops. What they learned led them to choose the open country for an attack. The morning of the 28th was chilly, and the soldiers were unprepared, having buttoned their overcoats over their ammunition boxes. To conceal themselves the Indians hid in saw palmetto patches, and at eight o'clock they launched their attack. Ransome Clark, one of the four survivors, related that he heard the report of a rifle shot in the direction of the advance guard, and before he had time to think a volley was poured at the column, and half the command went down. The remaining men concealed themselves as best they could and opened a sharp fire of musketry. The force had a six-pounder, which frightened the Indians away until the unwounded soldiers could begin building a log breastwork, but it was only knee high when the Indians returned and finished their deadly work.

[George R. Fairbanks, *History of Florida*; Albert Hubbard Roberts, *The Dade Massacre, Florida Historical Quarterly*, Vol. V, January, 1927.] W. T. CASH

Daguerreotype, THE, was the first successful method of making permanent photographs. It was the result of the combined efforts of two Frenchmen, Joseph Nicéphore Niepce, a chem-

ist, and L. J. M. Daguerre, an artist and inventor. The method was purchased by the French government and given to the world in 1839. It spread very rapidly and was brought to the United States that same year by several different people, one of whom was the artist and inventor, S. F. B. Morse. The United States National Museum owns Morse's daguerreotype outfit.

Prior to this time all pictures had been the result of human skill, but it was not long before the portrait painters, especially those who worked in miniature²⁸, felt the competition of the daguerreotype. In fact the production of portrait miniatures almost ceased during the first few years after the introduction of the daguerreotype. For about twenty years the daguerreotype preserved the likenesses of many of our people as well as the appearance of our vast country. It disappeared because other cheaper, faster and more convenient photographic methods were developed. (*See also* Photography.)

[Georges Potonniée, *History of the Discovery of Photography*, translated by Edward Epstein.] R. P. TOLMAN

Dahlgren's Raid. Planning, with President Lincoln's approval, to release the Union prisoners in Richmond, Kilpatrick, with 4000 cavalry, marched around Lee's army and arrived north of Richmond on March 1, 1864. Dahlgren, detached at Spotsylvania with 500 men, struck Richmond from the west. Both columns were repulsed, Dahlgren being killed and many of his men captured while endeavoring to rejoin Kilpatrick's force.

[*Battles and Leaders of the Civil War*, Vol. IV.]

JOSEPH MILLS HANSON

Dairy Industry, the greatest and most stable single source of farm revenue in the United States, began its vast rise when, in 1611 at Jamestown, the colonists first imported cattle. The *Mayflower* carried no cows²⁹. During the first winter at Plymouth³⁰ malnutrition was a large factor in the nearly 50% mortality, which included every child under two years. In 1624 the *Charity* landed three Devon cows, and nutritional difficulties were markedly reduced. Into the extending colonies, importations continued—from England, Spain, Holland, Sweden, Denmark. From colonial times to the present, there has been approximately one dairy cow to every five persons.

The early colonial town-dweller kept one or two cows, or bought milk from a neighbor. As the town grew, raw milk—of highly dubious quality and safety—was peddled in tin buckets. Later, milk was vended from a horse-drawn, victoria-

like wagon. In autumn, cows usually went dry, and there was a scarcity of milk in winter.

As pasturage within the city limits was crowded out, near-by farmers began the delivery of milk. But, through the early 19th century, the lack of sanitation, refrigeration^m and rapid transportation severely limited the distance which milk could be transported without souring. Gradually, however, the use of ice became common, and in 1841 regular shipment of milk by rail began—from Orange County, N. Y., to New York City. Dairying could then be carried on at greater distances from markets. Still, as the economic value of dairying rose, the purity and quality of market milk long remained unsatisfactory. Herds were not tested for disease, while conditions of milking and handling were unsupervised. Milk quality and winter production were not significantly improved until after mid-century, when more attention was given to feeding and breeding.

Toward the end of the century, advances in dairy technology revolutionized the industry. In 1878 DeLaval patented the centrifugal separator. More convenient and more sanitary distribution resulted from the invention of the glass milk bottle by Thatcher in 1884. Between 1880 and 1890 the spread of artificial refrigeration lowered prices and changed marketing methods. In 1890 Babcock devised a butterfat test which measured cream content, and sped the development of commercial milk handling. In the same year, tuberculin testing of herds marked the start of dairying's unsurpassed achievements in disease control.

Meanwhile, milk-borne epidemics were common. Each summer, thousands of city children died from cholera infantum. Impressed by this dreadful mortality, in 1893 Nathan Strauss, of New York City, financed the first distribution of pasteurized milk—then a new application of Pasteur's technique of killing germs by thermal treatment. When cholera infantum mortality significantly declined, commercial pasteurization won recognition. In 1908 Chicago, and in 1912 New York City, made pasteurization of milk compulsory. Today, some 90% of the milk sold in cities of 100,000 or more population is thus made safe. Since 1935 pasteurization, although it may affect the volume of Vitamin C in the milk, has been permissible in the case of certified milk—a milk certified as to quality and wholesomeness by a medical milk commission, according to the plan originated by Coit in 1893.

With the turn of the century, sanitary regulation and education were extended to the farm, and progress in milk sanitation has been rapid,

particularly in Northern states. Since the introduction of the United States Public Health Service Standard Ordinance in 1923, milk sanitation has gone forward in the South.

In promoting the safety of milk, in inspiring confidence in its purity, and in stimulating demand, pasteurization has had unique influence. Steady improvements in other dairy hygiene, in production per animal, in the efficiency of plant machinery, and in methods of refrigeration and distribution have been basic in establishing the United States as the leading dairy nation. Bovine tuberculosis has been practically eliminated as a factor in national health; brucellosis and mastitis are being brought under control.

In 1850 the average annual yield per cow was 700 quarts; now it is more than 2000 quarts. Transportation of milk has been remarkably facilitated from farms to the great cities by insulated tank trucks (since 1914) and tank cars (since 1924), wherein milk may be shipped hundreds of miles without change. Further, nutritional science—ever considering milk the prime basis for research—has set forth the irreplaceable role of milk, particularly its balance of vitamins and minerals, in the diet, especially for the young. National health has been immeasurably benefited.

The modern high standards of quality and purity, and today's huge demand, because they involve a vastly widened and intricate system of distribution made safe by means of innumerable expensive refinements, have created new costs. The economics of the dairy farmer has been profoundly altered. Formerly he was able to sell his commodities direct to the consumer. Now approximately half of the money paid for milk and cream in cities represents the expenses of transporting from the farm, pasteurizing, bottling, delivering, cleaning and sterilizing equipment. More than half of this cost is labor. The remainder must support plants, plant equipment, facilities for distribution and other fixed overhead. Hence, about 50% of the money paid for milk and cream in cities goes to the farmer—who, as a result of the volume of city milk and cream consumption, has an enormously increased and eminently constant income.

A cash income of more than \$1,500,000,000 is annually derived by United States dairy farmers from milk and its products—the yield from 26,000,000 cows distributed among 4,500,000 farm families. An estimated 250,000 workers are engaged in processing and delivering dairy products. The nation daily consumes 45,000,000 quarts of fluid milk, which with the products of other milk constitute 25%, by weight, of the

1500 pounds of food consumed each year by the average individual. Approximately 30% of the total annual production is utilized as fluid milk and cream. The rest, except for that used on the farm, is made chiefly into butter, cheese, ice cream, evaporated and condensed milk, dry milk and casein.

In the 19th century butter was almost exclusively a product of the farmstead. Probably the first butter factory was built in 1856 at Campbell Hall, Orange County, N. Y. Although factories spread to the Middle West, greatest strides came with the advent of the cream separator, permitting efficient separation of butterfat, and of the Babcock test, permitting adequate rating of the richness of milk and cream. After 1890 butter became more and more a factory product. By 1937 more than 75% was creamery butter made in 4500 creameries with a total annual output of 1,600,000,000 pounds. The cream from 20,000,000,000 quarts of milk—42% of the annual supply—is made into farm and creamery butter.

Though excellent cheese has been made in this country since colonial days, factory manufacture was not begun until 1851, in Oneida County, N. Y. But, by 1869, two thirds of the total production was from factories. Now all commercial cheese is factory-made. The industry is important in most states, though outstandingly so in Wisconsin and New York. In cheese making, 2,500,000,000 quarts of milk—6% of the annual supply—are processed each year. Per capita consumption is increasing, having risen from two and one half pounds twenty years ago to five pounds today.

Ice cream, advertised in the *New York Gazette*, May, 1777, and served at the White House by Dolly Madison, did not become a leading commodity until within recent decades. Annual production is now some 200,000,000 gallons, and absorbs somewhat more than 2% of the annual yield of milk. It is made in 3700 ice-cream factories throughout the nation.

Sweetened condensed milk, first made by Gail Borden in 1856, and unsweetened condensed milk—evaporated milk—together make up the major source of cash income for 200,000 dairy farmers. Because of its convenience, sterility, high digestibility, and excellent nutrient value, this form of milk is used in home cooking and in infant feeding, as well as in making bread, candy and ice cream. There are 163 condenseries in 27 states, taking more than 4% of the nation's milk supply. The annual per capita consumption of evaporated milk was six and one half pounds in 1920; in 1937, more than fifteen pounds.

The manufacture of skim-milk powder, at-

tempted as early as 1883, attained importance only within the past twenty years. Baking and the making of confections, ice cream and sausage offer most of the demand for the 300,000,000 pounds produced each year. Dry whole milk also is used in the baking and candy industries, and is, besides, an infant food. The annual production is 15,000,000 pounds. Dry buttermilk, with an annual production of some 50,000,000 pounds, is a source of feed for poultry and livestock.

Casein—milk's chief protein, prepared commercially from skim milk by precipitation—has many uses: in the making of plastics (buttons, buckles, combs, insulators), sizing for better grades of paper, cold-water paints, glues of high quality.

For milk and the commodities derived from milk, United States consumers annually spend a total of more than \$3,000,000,000, while more than 25,000,000 persons are concerned in such production on the farm, manufacture and distribution. Further, the dairy industry contributes largely to other industries, such as those turning out equipment, vehicles and containers. Thus, 350,000,000 new milk bottles are required each year, as well as many millions of cans, paper containers and barrels.

The Department of Agriculture points out that when total farm income falls, farm income from milk and milk products becomes proportionately greater because it is more stable through fluctuations of consumer buying capacity. Moreover, agricultural areas are not benefited solely by the cash income from milk. Generations of agricultural experience demonstrate that soil fertility is uniquely maintained by dairying.

[T. R. Pirtle, *History of the Dairy Industry*; C. H. Eckles, W. B. Combs and H. Macy, *Milk and Milk Products*; S. J. Crumbine and J. A. Tobey, *The Most Nearly Perfect Food*.]

W. A. WENTWORTH

Dakota Gold Rush (1875-76). See Black Hills, The.

Dakota Indians. See Sioux.

Dakota Land Company, THE, was organized by a group of Minnesota territorial officials in 1857. The avowed purpose was to secure the eligible town sites, establish the capital of Dakota at Sioux Falls, and to control the territorial official appointments and the public contracts. The incorporators being in good standing with the Federal administration, the project appeared plausible. Early in 1858 they entered Dakota and secured town sites at Renshaw, Medary, Flan-

dreau, Sioux Falls and Emaniji on the Sioux, and prospected others upon the James and Missouri. The promoters set up a provisional government at Sioux Falls, elected a legislature and chose a delegate to represent Dakota in Congress, but they failed to secure recognition at Washington. The election of Lincoln cut off their control of patronage, and with the Minnesota massacre^o in 1862 the project was wholly abandoned.

[The Settlement at Sioux Falls, *S. Dak. Historical Collections*, Vol. VI.]

DOANE ROBINSON

Dakota Territory was created by act of Congress, April 2, 1861. It corresponded to the present states of North and South Dakota, and much of Wyoming and Montana. The greater part of this immense region was included in the Louisiana Purchase of 1803^o; an indefinite part, from the 49th parallel southward, was confirmed to the United States by the Convention of 1818^o with England. All of it fell within the vast Territory of Missouri, created in 1812. That part of the Missouri Territory east of the Missouri and White Earth rivers was added to Michigan Territory in 1834. In 1836 Dakota became part of Wisconsin Territory, in 1838 part of Iowa Territory, and in 1849 part of Minnesota Territory. From 1834 to 1854 the western part of the later Dakota Territory was known as Indian Country^o and in 1854 was included in Nebraska Territory. Dakota Territory, as created in 1861, included all of Minnesota Territory west of the present boundary of that state and all of Nebraska Territory north of the 43d parallel to the Missouri River with the exception of a small strip west of that river which was annexed to the State of Nebraska in 1882. Montana Territory with the present state limits was cut off from Dakota Territory in 1864. This reduced Dakota Territory to the area included within the present states of Wyoming, North and South Dakota. When Wyoming Territory was created, in 1868, Dakota Territory was reduced to the region comprising the two Dakotas of today.

So far as is known this region was first visited by white men in 1738 (*see* Verendrye Explorations). The first trading post was built by Jean Baptiste Truteau in Charles Mix County, S. Dak., in 1794. The Lewis and Clark Expedition^o wintered at the Five Villages^o in 1804-1805. The most famous trading post on the Missouri River was Fort Union^o built at the mouth of the Yellowstone in 1829.

In 1851 and 1859, Indian reservations^o were created in this territory but were changed by act of Congress (1863) as a consequence of the Minnesota massacre^o. After the battle of the Little

Big Horn^o these reservations were again reduced in size by act of Congress. Since that time their extent has been gradually reduced by allotments to individual Indians and the remainder of the land has been opened to white occupation.

The first legislative assembly of the territory convened at Yankton (now S. Dak.) on March 17, 1862. Yankton was the capital until 1883, when it was moved to Bismarck. Legislative sessions were held at Yankton in 1862-83 and at Bismarck 1885-89.

The discovery of gold in the Black Hills^o in 1874 resulted in the opening, two years later, of that section to white settlement. In 1889 the territory was divided into the existing states of North Dakota and South Dakota^o.

[G. W. Kingsbury, *History of Dakota Territory*.]

O. G. LIBBY

Dakotas, Expeditions of Gen. Sibley and Gen. Sully in (1863, 1864, 1865). In 1863 Gen. H. H. Sibley was ordered by Maj. Gen. John Pope to march from Camp Pope near Fort Ridgely^o, Minn., against the hostile Dakota Indians, who had taken part in the Minnesota massacre^o of 1862, and drive them west toward the Missouri River. At the same time Gen. Alfred Sully was ordered to proceed up the Missouri River and intercept the Indians before they could cross to the western side of the river.

Gen. Sibley set out on June 16, and established his field base at Camp Atcheson, in what is now Griggs County, N. Dak. He defeated the Indians in three battles at Big Mound, Kidder County, July 24, 1863, at Dead Buffalo Lake, July 26, and at Stony Lake, July 28, both of the latter in Burleigh County. The retreating Indians by these successive battles and by continual skirmishing held back Sibley's army until all their women and children had been transferred to the west side of the Missouri River.

Sibley established his camp at the mouth of Apple Creek, near the site of the present city of Bismarck, N. Dak., and waited several days for news of Gen. Sully's command. On Aug. 1 he began his return march by way of Camp Atcheson to Fort Abercrombie, which he reached Aug. 23, 1863.

Meanwhile, Gen. Sully had established his headquarters at Sioux City, Iowa, and organized his force for the march into the Indian Country^o. He was seriously delayed by lack of equipment and the low stage of the water in the Missouri River. The steamboat accompanying his army carried his supplies to the base camp at Fort Pierre^o, S. Dak. On Aug. 13 he left this fort with a well-organized force for a quick

march northward. On the 30th he learned that Sibley's army had already gone and that a large number of the Indians had recrossed the Missouri River and were hunting buffalo^u in the vicinity. On Sept. 3 he fought a battle at the present site of the state park of Whitestone Hill, N. Dak. The Indian camp was broken up and their supplies destroyed. Sully returned to his camp at Fort Pierre with a large number of prisoners whom he left at Fort Randall, S. Dak., after which he took his army into winter quarters at Sioux City.

The second campaign was conducted by Sully in the summer of 1864. His army proceeded up the Missouri River from Sioux City, accompanied by two steamboats that carried his supplies to the point of rendezvous at the site of the new army post at Fort Rice, N. Dak.^u Here he met a force from Fort Snelling, Minn.^u with an emigrant train bound for the Montana and Idaho gold mines. Leaving a part of his force to construct the fort, he marched northwest to the Indian camp located on an elevated portion of the Bad Lands^u, still known as Killdeer Mountain^u. Here a battle was fought July 28, and the Indians were defeated and scattered. Sully then marched northward, forded the Yellowstone River and proceeded down this river to the Missouri which he crossed Aug. 20 by the aid of his steamboats that had been ordered to meet him at this point. He camped in the vicinity of Fort Union^u and here the emigrant train left for the gold mines. Sully made his return march along the east side of the Missouri River, reaching Fort Rice on Sept. 8, 1864.

The third expedition into Dakota Territory was made by Sully in 1865. His force moved up the Missouri River to Fort Rice and marched north of Devils Lake. On Aug. 2 he went to the Mouse River and then southwest to Fort Berthold. Here he met the famous Indian missionary, Father DeSmet. His force reached Fort Rice on Sept. 8, and went into winter quarters at Sioux Falls, S. Dak.

[*Minnesota in the Civil and Indian Wars, 1861-65.*]

O. G. LIBBY

Dale's Laws of Virginia was a criminal code issued by Sir Thomas Dale for colonial Virginia (1611-16). When Dale arrived in Jamestown^u, he found the colonists rebellious and disinclined to work. He placed them under martial law and issued a code notable for its pitiless severity even in an age of barbarous punishments.

[W. F. Prince, *The First Criminal Code in Virginia, Report, American Historical Association, 1899, Vol. I.*]

FRED. B. JOYNER

Dallas-Clarendon Convention. This Anglo-American agreement, signed Oct. 17, 1856, was intended to clear up conflicting interpretations of the Clayton-Bulwer Treaty^u. Great Britain agreed to withdraw from Nicaragua^u and Honduras, while the United States conceded her an enlarged British Honduras. The Senate added reservations which Great Britain modified. President Buchanan refused these modifications. Ratification was not completed.

[M. W. Williams, *Anglo-American Isthmian Diplomacy.*]

ROY F. NICHOLS

Dallas Reports is the name given to the first four volumes of reported decisions of the United States Supreme Court, covering the period 1790-1800. The reporter of these decisions was Alexander J. Dallas (1759-1817), an eminent Philadelphia lawyer, and Secretary of the Treasury under President Madison.

[G. M. Dallas, *The Life and Times of A. J. Dallas.*]

P. ORMAN RAY

Dalles, THE, of the Columbia^u was known as one of the most dangerous points in the early fur trade^u of the Pacific Northwest both because of navigation difficulties and Indian hostilities. In 1837 it was made the site of a branch of the Oregon Mission^u (Methodist) to the Indians. During the Indian wars (1848-58) it was an important outpost and base of supplies (see Cayuse War; Yakima Indian Wars).

The physical basis for its importance is found in the fact that the Columbia River falls some eighty feet in about twelve miles, its course being restricted to a narrow channel. The name was given by the French-Canadian *voyageurs* because the smooth water-worn rocks of the channel suggested flagstones (*les dalles*). The water backed up by the Bonneville dam^u now covers "the dalles."

[George W. Fuller, *A History of the Pacific Northwest.*]

ROBERT MOULTON GATKE

Damariscotta Shell Heaps, THE, at the Salt Falls, Damariscotta, Maine, are refuse heaps, chiefly oyster shells, left by prehistoric men, who here prepared food for winter use. Indian tradition says this was neutral ground, and savages came even from Cape Cod, for clams, oysters, acorns and trading.

In 1838 State Geologist Jackson estimated that Peninsula Mound (west bank) would burn 10,000,000 casks of lime. In 1910 it was still 400 feet long, 75 wide, 22 deep. Whaleback Mound (east bank) was much larger.

[C. C. Willoughby, *Antiquities of the New England Indians*; Joseph Naylor, *Life and Traditions of the Red Man.*]

FANNIE HARDY ECKSTORM

Dame Schools. This type of school was transplanted to some of the American colonies from England. It was usually conducted by a woman in her home where young children of the neighborhood were taught the alphabet, the horn-book^{er}, elements of reading, and moral and religious subjects. In New England such schools prepared boys for admission to the town schools, which would not receive them until they could "stand up and read words of two syllables and keep their places."

[Edgar W. Knight, *Education in the United States*.]
EDGAR W. KNIGHT

"Damn the Torpedoes." A reply by Admiral Farragut to a warning of the dangerous proximity of submerged torpedoes (now called mines) at the critical juncture of the battle of Mobile Bay^{er} (Aug. 5, 1864). As the Union fleet approached the harbor entrance, which was known to be nearly closed by mines, the monitor *Tecumseh* struck a mine and immediately sank. The *Brooklyn*, leading the main column, was consequently stopped unexpectedly, and the following ships closed into a disordered group threatened with early defeat by a heavy cross fire from Confederate forts and fleet. Farragut in the flagship *Hartford* took the lead, signalling the fleet to follow, and despite the warning cry from the *Brooklyn* steamed safely through the mine fields.

[D. W. Knox, *A History of the United States Navy*.]
DUDLEY W. KNOX

Danbury Burned. In 1776 Danbury, Conn., was made a depot of patriot army stores. In the spring of 1777 Col. William Tryon (Br.) planned to destroy these supplies. On April 25 he landed about 2000 regulars and loyal provincials at Compo Point (in present Westport, Conn.) and marched on Danbury. Meantime the villagers, warned of the invaders, fled and Col. Cook with 150 Continental troops retired, taking a part of the stores. Col. Tryon proceeded to destroy 1800 barrels of beef and pork, 700 barrels of flour, 2000 bushels of grain, 1700 tents and miscellaneous supplies and articles. Apprised by a loyalist^{er} that the patriot militia was gathering at Bethel, Col. Tryon on April 27 resolved to retreat to his ships after setting fire to nineteen dwellings, twenty-two stores and barns, and a meeting-house, valued at \$80,000. Col. Tryon withdrew his forces through Ridgefield^{er}, but his retreat was rendered uncomfortable by Generals Silliman, Wooster and Arnold. In the skirmishes that followed Gen. Wooster was killed and it was with difficulty that Col. Tryon made his way back to his ships.

[H. H. Dawson, *Battles of the United States*, I, 212.]
A. C. FLICK

Danbury Hatters' Case (Loewe v. Lawlor^{er}). In 1901-1902 a union, the United Hatters of North America, attempted to force the unionization of the employees of Dietrich Loewe and partners, a hatmaking concern in Danbury, Conn. The Loewe company resisted the move, and a strike and nation-wide boycott^{er} were instituted by the union. Loewe thereupon brought action against the 191 members of the local union as violators of the Sherman Antitrust Law^{er}. A District Court agreed with this contention and fixed \$74,000 as the damages due the company. The Circuit Court of Appeals overruled this verdict, but in 1908 the United States Supreme Court reversed the Circuit Court and sent the case back for retrial. In 1912 the Court of Appeals, thus instructed, decided upon \$80,000 as Loewe's damage, which, under the law, was to be trebled, the total sum with costs being more than \$250,000. The union not being incorporated, the defendants were individually liable for their share of the penalty. The union's central organization had agreed in 1903 to back the local members in their fight, and this agreement was later taken over by the American Federation of Labor^{er}; but in 1913 the Federation disclaimed further responsibility, though it took up a collection for the hat workmen. In 1917 the District Court ordered the sale of the homes of 140 workmen in Danbury, Bethel and neighboring towns to satisfy the judgment. The men had already paid about \$60,000, but the accumulated interest brought the total still remaining to about \$250,000. The effect upon the city of Danbury was little short of a major calamity.

[Selig Perlman, *A History of Trade Unionism in the United States*; articles in *Outlook*, Feb. 19, 1910, and July 14, 1915; in *Literary Digest*, Jan. 16, 1915; and *Survey*, June 16, 1917.]

ALVIN F. HARLOW

Dancing Rabbit Creek, Treaty of (Sept. 27, 1830), provided for the final extinction of Choctaw^{er} claims to land in Mississippi and the removal of the nation west of the Mississippi (see Doak's Stand, Treaty of). Greenwood LeFlore, a chief of the Choctaws, persuaded his nation to accede to the white demands and was well rewarded. The cession totaled 7,796,000 acres; many speculative frauds followed.

[H. S. Halbert, *The Story of the Treaty of Dancing Rabbit*, *Publications of the Mississippi Historical Society*, Vol. VI.]

MACK SWEARINGEN

Danish Spoliation of American Commerce (1807-11). After Tilsit (1807) England, fearing Napoleon, demanded of Denmark the surrender of her fleet. Denmark refused and the British

fleet bombarded Copenhagen, Sept. 2, 1807. Consequently, Denmark fitted out privateers to harass English Baltic trade. Attempting to escape, many British merchantmen secured false papers and hoisted the American flag. In an attempt to capture the vessels under false flag, many truly neutral American vessels were also captured, libeled and condemned. Some American vessels on their way from the Baltic to American ports fell in with British warships which "compelled them to join convoy." These were later seized and condemned. The total number captured (1811) was 187.

The United States presented claims to Denmark, but the Danish government made delays. In 1827 Henry Wheaton was appointed minister to Denmark. He presented 167 claims amounting to \$2,662,280. Denmark refused to pay. When Jackson became President more vigor was exhibited. Denmark offered to pay 500,000 *marcs banco* and relinquish a claim of \$65,000 against the United States, or about \$230,000. This was refused, but Wheaton made a counter proposal amounting to about \$1,700,000. Finally, through the personal intervention of King Frederick VI, a compromise was effected, by which Denmark paid \$650,000 and relinquished the claim of \$65,000 mentioned above. The treaty was ratified in June, 1830.

[S. J. M. P. Fogdall, *Danish-American Diplomacy*.]
S. P. FOGDALL

Danish West Indies. See Virgin Islands.

Danites, THE, or Sons of Dan, was a Mormonsm secret order, established about 1838, whose members were reputed to be pledged to follow the dictates of the Prophet regardless of law or accepted morality.

[W. A. Linn, *The Story of the Mormons*.]
PAUL M. ANGLE

D'Anville, The Expedition of (1746), comprising half the fleet of France, was aimed directly at the northward expansion of New England (see King George's War). Louisbourg and Port Royalsm, garrisoned by New England troops, were to be recaptured and a blow was to be struck at Boston. None of these objectives was reached, however, the proud armada running instead into a series of disasters that began with storms and suicide at sea and ended with starvation and death on land. On the very shore where the crippled ships came to rest, there rose, three years later, in answer to pleas from New England, the new British stronghold of Halifax.

[J. B. Brebner, *New England's Outpost*.]
J. S. MARTELL

"Dare Stone." In September, 1937, a casual tourist stumbled upon a quartz stone on the east bank of the Chowan River in Chowan County, N. C. The stone weighs twenty-one pounds, is fourteen inches long, ten inches wide and three inches thick. On the smoother side is carved a Latin cross, beneath which is the legend "Ananias & Virginia Dare went hence unto Heaven 1591." Below this is the inscription "Anye Englishman shew John White Govr Via." On the reverse side is a message of seventeen lines signed "E W D" (Eleanor White Dare). The message, conforming to Elizabethan spelling and usage, purports to tell the fate of Raleigh's Lost Colonysm. It relates that soon after the Governor left for England the colonists came to the Chowan region, suffered misery and war for four years, being reduced to twenty-four, at which time (1591) the savages reported a ship had come to Roanoke. Soon after, incited by priests, the Indians murdered all the colonists except seven, Ananias and Virginia Dare being among the victims. The massacred colonists are buried near, four miles east of the Chowan, upon a small hill on which a rock is placed with their names. The message concludes with the offer of a reward to any one who will inform Gov. White and conduct him to the surviving colonists.

[Haywood J. Pearce, Jr., *New Light on the Roanoke Colony, Journal of Southern History*, May, 1938.]

HAYWOOD J. PEARCE, JR.

D'Arges Colony, THE. In 1787 Pierre Wouves d'Arges acted as agent of Gardoqui, Spanish minister to the United States, in forwarding a plan to protect Florida and Louisiana from American encroachment by inducing Kentucky families to settle within those Spanish domains (see Spanish Conspiracy, The; Western Separatism). Liberal grants of land, freedom of religion, and free importation of slaves, stock, farming implements and provisions for two years were promised to prospective settlers. Gov. Miro opposed the plan, which conflicted with his intrigues with James Wilkinson. However, a considerable number of Americans took advantage of the offer and became Spanish subjects (see Forman's Colony).

[C. Gayarré, *History of Louisiana*, III; A. Fortier, *Louisiana*, Cyclopedic, I.]

WALTER PRICHARD

Darien, The Bank of, was chartered in 1818 and located at Darien, Ga., largely to promote that town as an export point for the products of the interior of the state. It was capitalized at \$1,000,000, half of which was reserved for the state government. With power to issue notes, within a few years it had outstanding almost

\$2,000,000 in such currency, which soon depreciated and led temporarily to the suspension of specie payments. Attacked by various rival interests, it became the center of political storms throughout its life. Its charter was repealed in 1841, and it came to an end the next year.

[*Acts of Georgia*, 1819-1841; *Savannah Republican*, 1819-1841.]

E. MERTON COULTER

Dark and Bloody Ground, THE, was the name given Kentucky at the time of settlement. No Indian tribe possessed claim to Kentucky, and there was a tug of war for its possession between the northern and southern tribes (*see* Cherokee; Shawnee). Because of this the land of Kentucky was truly "dark and bloody." When representatives of the Transylvania Land Company⁷ signed the Treaty of Sycamore Shoals⁸ in 1775, Chief Dragging Canoe of the Cherokees said that they had secured "a dark and bloody ground." The whites realized this in years of fighting the Indians. Later Kentucky has been called "a dark and bloody ground" because of its tragedies, feuds⁹ and civil outbreaks.

[R. S. Cotterill, *History of Pioneer Kentucky*.]

T. D. CLARK

Dark Day, THE (May 19, 1780, in New England). The sun rose clear and bright. At about nine darkness gradually developed. That evening the moon appeared blood red and the earth was wrapped in impenetrable darkness. Religious people thought it a direct fulfilment of Bible prophecy. Scientists conjectured its cause to have been smoke from fires on the frontier.

[R. M. Devens, *Our First Century*.]

EVERETT DICK

"Dark Horse," a compromise candidate selected as party nominee when a deadlock arises among leading candidates. He usually is substantially colorless with respect to current issues, unidentified with party factions, and unobjectionable in his public and private life. For example, James K. Polk was a "dark horse" presidential candidate in 1844.

[Edward Stanwood, *A History of the Presidency*, 1788-1916.]

W. B. HATCHER

D'Artaguettes Defeat (1736). When Bienville, governor of Louisiana, decided in 1736 to exterminate the Chickasaws because of their long and successful opposition to the French (*see* Chickasaw-French War, 1736-40), he ordered the Chevalier d'Artaguettes, in command of Fort Chartres¹ in the Illinois country, to lead a force from the north against the main Chickasaw villages in the northeastern part of the present State of Mississippi. Bienville, meanwhile, led a

larger force up the Tombigbee from the south with the same objective. Obeying instructions, d'Artaguettes collected 1200 Indians and arrived at the villages on May 9, the date specified. Here he waited in vain for Bienville, who was unavoidably detained, until the unrest of his Indians forced him into a fatal attack. In the course of the battle he was wounded, and together with a score of his countrymen, including Vincennes, captured by the Chickasaws. After the defeat of Bienville (*see* Ackia, Battle of), who finally arrived towards the end of the month, the Indians burned their earlier captives at the stake.

[F. X. Martin, *History of Louisiana*. For a conflicting account *see* S. C. Williams, *Beginnings of West Tennessee*.]

GERALD M. CAPERS, JR.

Dartmoor Prison, located in Devonshire, England, was used for the confinement of American naval prisoners during the War of 1812. The first Americans were brought there April 3, 1813. Their number was increased until April, 1815, when 554² Americans were confined in the prison. During this period there were 252 deaths. Discipline was strict and rations scanty, but hospital arrangements were excellent. On April 6, 1815, the captives, indignant because of their continued confinement after the conclusion of peace (*see* Ghent, Treaty of), and angry because of damaged hardtack issued them, staged a noisy demonstration. The commandant called for troops who fired on the Americans, killing seven and wounding sixty. A joint English-American commission, which subsequently investigated the incident, exonerated the commandant, but blamed the soldiers for firing after the prisoners had retreated. The British government provided for the families of the slain, and pensioned the disabled. The prisoners were released in April, 1815.

[Charles Andrews, *The Prisoner's Memoirs, or Dartmoor Prison*; B. F. Browne, *The Tarn of a Yankee Privateer*.]

LOUIS H. BOLANDER

Dartmouth College, Hanover, N. H., is the immediate outgrowth of Moor's Indian Charity School established in 1755 by the Rev. Eleazar Wheelock (1711-79) for the education of Indians at Lebanon (now Columbia), Conn. In 1766-68 the school received an endowment of £10,000 from England. With this endowment Wheelock moved his school to Hanover in 1770, and, coincident with this removal, added to his educational enterprise a college for whites, a royal charter for which was secured through Gov. John Wentworth of New Hampshire, in 1769. The college, named for Wheelock's English patron, the second Earl of Dartmouth, was the

eighth institution of similar rank to be founded in the English colonies in America. In course of time the Indian school became superfluous and disappeared, but the college persisted. Its first class of four members was graduated in 1771, since which time no year has passed without a graduating class—a condition (due to Hanover's isolation and the effect of the Revolutionary War upon its seven sister institutions) true of no other American college.

A lawsuit between the college and the State of New Hampshire for control of the college resulted in the Supreme Court's decision (Feb. 2, 1819) in favor of the Trustees of Dartmouth College (*see* Dartmouth College v. Woodward). Until 1892 the college was a small institution, with an average attendance of some 300 men students. Its growth then became rapid, and at the present time (1939) it has a limited enrollment of 2400 men. During its history the college has graduated some 17,000 men. It is still essentially an undergraduate college of liberal arts curriculum, but it includes three small graduate schools: the Dartmouth Medical School, founded in 1797; the Thayer School of Civil Engineering, founded in 1870; and the Amos Tuck School of Administration and Finance, founded in 1900.

[Frederick Chase, *History of Dartmouth College and the Town of Hanover, to 1815*; John K. Lord, *History of Dartmouth College, 1815-1909*.]

CHARLES E. WIDMAYER

Dartmouth College v. Woodward (1819) extended judicial interpretation by declaring private-corporation charters to be contracts and hence by the contract clause^u of the Constitution immune from impairment by state legislative action (*see* Fletcher v. Peck). Circumstances aligned Republicans against Federalists and equalitarianism against religious establishment to complicate an aggravated educational squabble. The president of the college, John Wheelock, was deposed (Aug. 26, 1815) by the self-perpetuating board of trustees established under the charter of 1769 whereby the British crown set up the college to minister to the Indians. Legislative enactments presently altered the charter and brought the institution under state control by enlarging the board, creating a board of overseers appointed by the legislature, with veto on trustee action, and changing its name to Dartmouth University. The College sued William H. Woodward, former secretary-treasurer, now an adherent of the University faction, for recovery of documents and seal. After a state court decision favorable to the University, Daniel Webster argued the case before the Supreme Court in a famous flight of oratory having little

bearing upon the point at issue. John Marshall's opinion held that the College Acts were invalid since they impaired contractual (charter) obligations. This decision freed existing corporations from control by the states which created them, and became a bulwark of *laissez faire*^u and a boon to corporate development. Control was later largely restored by (a) state legislation reserving the right to alter or repeal subsequent charters; (b) judicial decisions forbidding legislatures (1) to grant, by charter, rights which menace the community, or (2) to surrender, by charter, its duty under the police power^u to protect the life, safety and morals of the community. (*See also* Charles River Bridge Case.)

[Albert J. Beveridge, *Life of John Marshall*.]

L. ETHAN ELLIS

Darwinian Philosophy, Influence on Religion.
See Evolution and Religion.

Daughters of the American Revolution, THE, is a patriotic society organized at Washington, D. C., Aug. 8, 1890. Its eligibility requirements are descent from one who in military or civil service rendered material aid in the cause of American independence, and acceptability to the local chapter. Its purposes are to perpetuate the memory and spirit of early patriots, to develop enlightened public opinion, and "to cherish, maintain, and extend the institutions of American freedom." In 1936 it had 2498 chapters and 144,377 members.

[*Early History, Daughters of American Revolution*.]

JAMES ELLIOTT WALMSLEY

Daughters of 1812, United States National Society, was founded in 1891 to promote patriotism and increase knowledge of American history through preserving records, teaching, site marking and commemorations. Its purpose extends the period of similar interests of the Daughters of the American Revolution^u. Membership is based on ancestor's civil, military or naval service, 1784-1815.

FRANCES DORRANCE

Daughters of the Confederacy, The United (known in the South as U. D. C.), is a patriotic society organized in Nashville, Tenn., Sept. 10, 1894. It was first called National, then after 1896, United Daughters of the Confederacy. Eligibility consists in direct or collateral descent from a man or a woman "who gave personal service or loyal aid to the Southern cause during the war." Its purposes are benevolent, social and educational, "to collect and preserve the material for a truthful history of the War Between the States."

Its membership in 1936 was 1094 chapters, 40,130 members. [*Minutes of U. D. C.*, 1936.]

JAMES ELLIOTT WALMSLEY

Dauphine Island, located in the Gulf of Mexico near the entrance to Mobile Bay, was first named Massacre Island by the French under Iberville in 1699, because they found there large quantities of human bones. It figured prominently in the early history of that region.

[Charles Gayarré, *History of Louisiana*; Alcée Fortier, *History of Louisiana*; Dunbar Rowland and Albert Godfrey Sanders, eds., *Mississippi Provincial Archives, 1701-1729, French Dominion*, II.]

WALTER PRICHARD

"Davids," or semisubmarines, were Confederate torpedo-carrying boats which ran nearly submerged. The original "David" was a cigar-shaped boat, propelled by steam, and fitted with a copper torpedo. On Oct. 5, 1863, with a crew of four, it attacked unsuccessfully the Federal ironclad *New Ironsides* off Charleston. The "David," though nearly swamped in the attack, returned safely to port.

[D. W. Knox, *History of the United States Navy*; J. T. Scharf, *History of Confederate States Navy*.]

LOUIS H. BOLANDER

Davis, Fort (Tex.), named for Jefferson Davis, was established in 1854 to protect settlers and mail along the Overland Trail[™]. During the Civil War, Union and Confederate troops successively occupied the post. When the railroad passed twenty miles southward, need for protection from the Indians ceased, and the fort was abandoned, July, 1891.

[*Frontier Times*, Vol. II.]

THOMAS ROBSON HAY

Davis, Jefferson, Capture of. After Davis' last official meeting with his cabinet, probably at Charlotte, N. C., April 26, 1865, he proceeded with certain members of his staff by slow stages to Washington, Ga., where he took definite steps to escape to Europe with some vague idea of reviving the struggle for Southern independence. On May 2, 1865, President Andrew Johnson offered \$100,000 for the arrest of Davis, charged with planning the assassination of Abraham Lincoln. About daylight on the morning of May 10 he was captured near Irwinville, Ga., by Col. Pritchard, commanding the Fourth Michigan Cavalry. When captured he was wearing a military suit with cavalry boots and a gray flannel blouse. Mrs. Davis threw over his shoulders one of the traveling shawls much used by men of that day. Three days later appeared the story,

apparently on the authority of Gen. J. H. Wilson, that at the time of his capture Davis was disguised in his wife's clothes.

[J. E. Walmsley, *Last Meeting of Confederate Cabinet, Mississippi Valley Historical Review*, VI; R. M. McElroy, *Jefferson Davis, the Unreal and the Real*.]

JAMES ELLIOTT WALMSLEY

Davis, Jefferson, Imprisonment and Trial of. Jefferson Davis was imprisoned in Fortress Monroe[™] in May, 1865, charged with treason and complicity in Lincoln's assassination[™]. The Government decided to try him for treason in order to have it decided judicially that the rebellion was unlawful. As he must be tried in Virginia, where he had levied war against the United States, he could not be prosecuted until the Federal courts resumed their functions in that state. It was not until May, 1867, that the United States Circuit Judges were ready, but then it appeared that the prosecution was not prepared. In fact, the outcome was uncertain, for a Virginia jury might very well refuse to convict, which would be embarrassing. Davis, therefore, was released on bail after two years of confinement.

Public opinion was still bitter and the Johnson administration feared the effects of giving up the case officially. A new indictment was drawn and preparations made to try Davis in May, 1868. However, the Johnson impeachment[™] trial interfered, and it was not until November, 1868, that proceedings actually commenced. Then Davis' counsel pleaded that the Fourteenth Amendment[™] had already punished Davis, and a trial would put him in double jeopardy. Upon this point the judges disagreed, and it was referred to the Supreme Court for decision. In the meantime, on Christmas Day, 1868, Johnson issued a general amnesty[™] proclamation and on Feb. 26, 1869, a *nolle pros.* was entered in the case. Davis was thereby legally freed from any further possible prosecution. He was not tried largely because the law officers of the Government and their advisers dreaded the possibility of an undignified trial or an acquittal.

[Roy F. Nichols, *United States v. Jefferson Davis, American Historical Review*, Vol. XXXI, No. 2, January, 1926.]

ROY F. NICHOLS

Davis-Johnston Controversy, THE (1861-65). The Confederate history of the Civil War is shot through with the factional differences between Jefferson Davis and his friends on the one hand, and J. E. Johnston and his partisans on the other. First in the quarrel over relative ranking of general officers and in the aftermath of the First

Bull Run^o; then on the Peninsula (see Fair Oaks) and Johnston's relief from command; later, because of Davis' refusal to restore Johnston to the Army of Northern Virginia^o, now commanded by R. E. Lee, but instead sending him to Tennessee where he served in the winter, 1862-63; then with J. C. Pemberton at Vicksburg^o in the summer of 1863; and finally, to a climax, in the Atlanta Campaign^o with Johnston's relief by J. B. Hood and his restoration nearly a year later after Hood had wrecked his army (see Hood's Tennessee Campaign) and the Confederacy was near collapse—constantly this feud colored and determined action. For many years the arguments and accusations echoed savagely throughout the Southland. This feud was not the least of several important and many secondary events that acted to focus the violent anti-Davis, antiadministration sentiment of the winter, 1864-65.

[A. P. James, General Joseph Eggleston Johnston, Storm Center of the Confederate Army, *Mississippi Valley Historical Review*, December, 1927.]

THOMAS ROBSON HAY

Dawes Commission, THE, commonly called the Commission to the Five Civilized Tribes, was appointed by President Cleveland in 1893 to negotiate with the Cherokee, Creek, Choctaw, Chickasaw and Seminole Indian tribes^{oo}. The object was to induce these Indians to whom the Dawes Act^o did not apply to take their lands in severalty, abolish their tribal governments, and come under state and Federal laws. The original commission consisted of Henry L. Dawes, Archibald S. McKinnon, and Meredith H. Kidd. Having secured the necessary agreements with these tribes, it made up tribal rolls, classified the tribal lands and allotted to each citizen his rightful share of the common property. It also had large governmental functions. Its work being finished, the commission was abolished by law on July 1, 1905.

[F. W. Hodge, *Handbook of American Indians*; J. B. Thoburn, *History of Oklahoma*.]

EDWARD EVERETT DALE

Dawes General Allotment Act of 1887, THE, provided for the breakup of the Indian tribal relationship and the abandonment of the *domestic nation* theory. Discretionary power was vested in the President to cause Indian reservations to be surveyed in whole or in part, lands so surveyed to be allotted to resident Indians. It did not apply to certain tribes, notably the Cherokee, Creek, Choctaw, Chickasaw and Seminole (see Dawes Commission, The). If the total

area permitted, and unless an existing treaty stipulated larger amounts, each head of a family could select for himself 160 acres and for each of his minor children forty acres. Every unmarried person in the tribe over eighteen years of age, and every orphan, was entitled to eighty acres. Should the land be suitable only for grazing, acreage allotted was to be doubled. After approval of the selections by the Secretary of the Interior, patents were to be issued, and the occupants of the lands became United States citizens, under local, civil and criminal jurisdiction (see Burke Act, 1906). However, the Indian owners were denied the power of alienation for twenty-five years, when title in fee might be conferred unless further delay were deemed advisable.

[24 U. S. Statutes at Large, 388.]

A. H. ABEL-HENDERSON

Dawes Plan, THE, adopted Aug. 20, 1924, resulted from the German default on reparations^{oo} in January, 1923. A group of experts headed by Charles G. Dawes was chosen in November, 1923, to devise a plan of payments that Germany could meet from year to year, though no total payment was set. The payments were to start with 1,000,000,000 gold marks in 1924-25 and rise to 2,500,000,000 in 1928-29, which thereafter was to be the standard year's payment. It would be increased if an elaborate index showed Germany able to pay more. After 1928 the amount paid was to be readjusted if the value of gold changed at least 10%. The source of payments was an external loan, revenue from bonds and preferred stock of a company organized to take over the German government railroads, debentures issued against German industry, a transport tax and the budget. Foreigners were given representation on the general board of the Reichsbank and the railroad company and certain control over customs and taxes. The obligation of Germany ended when the funds were turned over to the Agent General of Reparations. He had the problem of transferring them. The plan operated successfully until replaced by the Young Plan^o on May 17, 1930.

[R. L. Garis, *Principles of Money, Credit, and Banking*.]

JAMES D. MAGEE

Daylight Saving. The term commonly applied to a movement originating in England by William Willett in 1907 to utilize summer daylight by advancing the clock in spring and retarding it in fall. This would offset the tendency of inhabitants of cities to retire later than dark and arise after sunrise. The idea is not new. In 1784 Benjamin Franklin wrote about it from Paris.

Willett's plan made a strong appeal to many nations after the outbreak of the World War. No interest for it was shown in the United States until 1916 when agitation for it began. A law on this matter was passed by the Congress of the United States and took effect March 30, 1918. (The law required the clock to be turned ahead one hour on the last Sunday in March of each year, and retarded the last Sunday in October.) There was much opposition to this movement, and especially to the way the law was applied, by farmers, as well as others, and a bill was passed repealing the daylight saving law, over the veto of President Wilson, on Aug. 20, 1919. Daylight saving has been adopted locally in the United States since, but some states, e.g., Connecticut and Maine, have passed laws against its use.

[George T. W. Patrick, *The Psychology of Daylight Saving*, *The Scientific Monthly*, November, 1919; W. W. Campbell, Comments on the Daylight Saving Problem, *Publications of the Astronomical Society of the Pacific*.]

RICHMOND T. ZOCH

Dead Cities. In the settlement of a vast virgin continental country, without one permanent center designated for living, mistakes were inevitable. These mistakes, spread through three centuries and across the continent, have become "Dead Cities," "Ghost Towns"—Abandoned, Deserted, Forgotten, Lost. A comparative few have flickers of life, they are "giving up the ghost" with reluctance. A comparative many are so dead that not a church tower, a chimney stack, stands as monument, they will not stir again. Between the two is a various multitude of remains, going if not gone.

Early Americans came from old crowded lands where experimentation had developed an unconscious civic science: towns should be where men could come and go. Therefore transportation became, and remains, the controlling factor—rivers, turnpikes, canals, railroads, today the return of roads⁹⁹. There must be something to carry, so a productive hinterland was necessary; exhausted products, like timber, like minerals, meant exhausted towns. These advantages were tested out, cautiously in the 18th century, riotously in the 19th century. Every waterfall said power, every landing place a port, every flag-stop a metropolis. And more, curious ideas that grouped men together were tried out practically: Brook Farm in Massachusetts, for transcendentalism, New Harmony in Indiana, first Rappite, then Owenite, Bishop Hill in Illinois, a Swedish colony with peculiar theological tenets, and Nauvoo, where early Mormons attempted to isolate their faith and their practice⁹⁹.

There is no state without vanished or vanish-

ing towns, from Castine in Maine to Rough and Ready in California, from Nininger in Minnesota to Pointe Coupée in Louisiana. High mortality has affected state capitals, the current site is seldom metropolitan, while shrouded in historic memories lie Corydon sleeping in Indiana, Belmont extinct in Wisconsin.

In Eastern states towns written in history are no longer on the map. There is no trace of Oleana⁹⁹, Ole Bull's Norwegian dream in Pennsylvania. Falmouth in Maine was once the rival of Falmouth in England, Pemaquid⁹⁹ the rival of Quebec. In the Far West ghost towns are mining towns where men had no intention of remaining after a lucky strike; but Calaveras with memories of Bret Harte, of Mark Twain, can never disappear, nor Green Valley, where Lola Montez expected to become Empress of California. A few are reviving with the new quest for gold; this also is temporary.

In the Middle States lies the multitude, French Kaskaskia⁹⁹ lost in the River, forgotten Spanish San Xavier de Naxera, Italian ghosts like Tontitown in the Ozarks. Horace Greeley, founder of a vanished city in Pennsylvania, advised his contemporaries to go West—"it takes three sod houses to make a city in Kansas." They went, and showed no more prescience than Greeley himself. Towns have died quickly, died slowly, committed suicide like Widtsoe in Utah, which finally voted itself out of existence.

The 20th century knows its sites; there will be no new cities; there will be decentralization, extended suburbs, new aspects; not new centers. Towns will die; they may remain, they may never give up but always dream of the prophetic golden years. There will be more dead cities.

[J. T. Faris, *Romance of Forgotten Towns*; Fred Lockley, *Oregon Trail Blazers*; Series of Ghost Towns of California, *Stamps*, weekly magazine of Philately, 1934-35.]

KEITH CLARK

Deaf and Dumb. The term "deaf" does not have an altogether certain or settled meaning. It properly refers only to persons whose sense of hearing is entirely or practically entirely absent. It includes the "deaf and dumb" (better called deaf-mutes), in whom the power of normal or regular speech is also largely wanting. Persons who have some degree of usable or functional hearing, with or without mechanical aid, are to be regarded not as deaf but as hard of hearing.

Before the establishment of the first school for the deaf (now so called because of the extensive efforts to teach speech to pupils) there were sporadic attempts to impart instruction to them through some member of one's family or through some other person. During the second decade of

the 19th century there were short-lived schools for the deaf set up in New York and in Virginia. The first permanent school was opened at Hartford, Conn., in 1817, then known as the American Asylum for the Deaf and Dumb, and now as the American School for the Deaf. It was under a private society organized for the purpose, and in charge of Thomas Hopkins Gallaudet, who had previously visited schools in Scotland and France. Only a little later similar schools were established in New York City and Philadelphia. In 1823 the State of Kentucky inaugurated a school, the first under public auspices. In time nearly all the other states followed with state institutions, but with a few in private hands, and receiving public subsidies. In 1864 there was created in Washington an institution for higher education, Gallaudet College, the only one of its kind in the world. Day schools, as distinguished from residential schools, are a later development, the first being credited to Boston in 1869. After 1890 the number of such schools has steadily increased, and they are now found in many large cities and in some smaller ones.

For a number of years the sign language (together with the manual alphabet) was the principal means of instruction in the schools, though the oral method (or the use of speech and speech reading) was made use of for a time in one or two of the earlier schools. In 1866 oral institutions were created in Northampton, Mass., and New York City. Since then the oral movement has progressed, the oral method being the method generally found in the day schools, while most of the institutions employ it in combination with the sign language.

The Volta Bureau, founded in 1880 from funds provided by Alexander Graham Bell, is concerned in general with the interests of the deaf, and in particular with the promotion of the oral method. In 1850 was organized the Convention of American Instructors of the Deaf; in 1868 the Conference of Executives of American Schools for the Deaf; in 1890 the Association to Promote the Teaching of Speech to the Deaf; and in 1911 the Progressive Oral Advocates. In 1848 was founded the *American Annals of the Deaf*, and in 1899 the *Volta Review*, both periodicals concerned with the education and with the general interests of the deaf. In 1880 was formed the National Association of the Deaf, composed of deaf-mutes. Mission work among deaf-mutes is now engaged in by most of the larger denominations, having had its beginning in 1850.

[Harry Best, *The Deaf: Their Position in Society and the Provision for Their Education in the United States.*]

HARRY BEST

Dearborn, Fort (1803-36). The value of Chicago as a center of control for the region between Lake Michigan and the Mississippi had been recognized long before the American Government was established. At Greenville^W, in 1795, the cession of a tract six miles square at Chicago was exacted, to serve as the site for a future fort, and early in 1803 its establishment was decreed. In July, troops were sent from Detroit, and the construction of Fort Dearborn, at the mouth of the Chicago River, was begun. Capt. John Whistler was commandant until 1810, and Capt. Nathan Heald from 1810 to 1812. With the outbreak of the War of 1812 several hundred Indians assembled at Chicago. On July 29 Gen. Hull at Detroit ordered Heald to evacuate Fort Dearborn and retire to Fort Wayne^W. Complying, his command was destroyed by the Indians a short distance from the fort, on Aug. 15.

Four years later, July 4, 1816, Chicago was reoccupied and erection of the second Fort Dearborn was begun. It was garrisoned until 1823, when the shifting of Indian trade and population induced the government to withdraw the garrison. The measure proved premature, however, for increasing trouble with the Winnebago^W and other tribes compelled its restoration in 1828, and the establishment of new forts at Portage and Prairie du Chien, Wis. Three years later the Fort Dearborn garrison was again removed, but the outbreak of the Black Hawk War^W brought back the troops in 1832. The marvelous development of modern Chicago began in 1833. The red man vanished into the sunset and in 1836 Fort Dearborn was again, and finally, evacuated. For a third of a century it had guarded the mid-western frontier. Its military reservation was transformed into modern Grant Park, the magnificent front door to the thronging Chicago Loop.

[M. M. Quaife, *Chicago and the Old Northwest.*]

M. M. QUAIFFE

Dearborn Wagon, THE, was a light, four-wheeled vehicle, usually with a top, perhaps with adjustable side curtains, and ordinarily for one horse, said (Frances Wright Darusmont, 1821) to have been designed by Gen. Henry Dearborn. It generally had one seat (but sometimes two or three), which may have rested on wooden springs. In 1844 the spring dearborn, possibly a later improvement, is mentioned. The "station-wagon" of its day, it was in almost universal use in the United States, from about 1819 to 1850 or later, by truck farmers, pedlars, emigrants, and people traveling for pleasure. In 1819 Henry

Heald of Wilmington, Del., and two companions made a journey to Indiana and back in a dearborn, in the course of which they were joined by another for part of the way. Heald wrote in his *Western Tour* (1819): "Our two Dearborns give us a tolerably respectable appearance; for, as we are neither Pedlars nor movers, we are taken for Yankey Gentlemen, traveling in this MANNER for *pass-time* and CHEAPNESS."

STANLEY R. PILLSBURY

Death Valley, a desert valley nearly a hundred miles long, in California near the Nevada line, is principally known for its production of borax[™]. It is the bottom of a volcanic fault or trough, partially filled by alluvial deposits and salts, the last of a series of dry lakes where the drainage from the Sierra Nevada Mountains finally settles at Bad Water, 276 feet below sea level.

Death Valley received its name from the Manly-Hunt party of emigrants, many of whom perished there in 1849. While coming south from Salt Lake City, twenty-seven wagons separated from the rest and tried to find a short cut to California. They were attacked by Paiute[™] Indians and in the bottom of Death Valley killed their oxen, burned their wagons to cure the meat, and struck out on foot to the west. Thirteen died along the way. The rest succeeded in reaching California.

At Emigrant Spring a rich deposit of silver was found, the first of the many lost mines for which Death Valley is famous. In recent years that of Death Valley Scotty is best known

[Dane Coolidge, *Death Valley Prospectors*.]

DANE COOLIDGE

Debatable Land, THE, is a term applied to that part of southeastern North America which came to be Georgia. Here the Spanish, the English, and the French clashed. The most active contest was between Spain and England. Menendez[™] sailed up the Georgia coast in 1566 and planted *presidios* and missions which secured the region for Spain a century and more. The English planted a settlement at Charleston[™], S. C., in 1670, and began an encroachment southward which led to the settlement of Georgia[™] in 1733. An intensive diplomatic battle began which broke into the War of Jenkins' Ear[™] the same year. Not until the end of the French and Indian War[™], when England secured Florida, was the contest finally ended.

[Herbert E. Bolton and Mary Ross, *The Debatable Land*; J. T. Lanning, *The Diplomatic History of Georgia*; V. W. Crane, *The Southern Frontier, 1670-1732*.]

E. MERTON COULTER

DeBonne-DeRepentigny Seigniorship at Sault Ste. Marie (1750). The dominion of France over the Great Lakes region was formally established in 1671, and from this time Sault Ste. Marie[™] was a place of commercial and strategic importance. In 1750 the better to guard it, a tract of land six miles square was granted as a feudal seigniorship to DeBonne and DeRepentigny. Although actual development of the grant was but slight, it gave rise to troublesome legal claims which were finally determined by the United States Supreme Court only in 1867.

[F. Clever Bald, *The French Seigniorship at Sault Ste. Marie*.]

M. M. QUAIPE

DeBow's Southern Review, founded by J. D. B. DeBow at New Orleans in January, 1846, under the full name of *Commercial Review of the South and Southwest*, was published, with intermissions, until June, 1880. Through statistics, news and essays it presented factual information conducive to the development of the South and West, in transportation and manufacturing as well as agriculture. It defended slavery[™] and, ultimately, secession[™]. Ability, foresight and integrity characterized it.

[W. D. Weatherford, *J. D. B. DeBow*.]

C. C. PEARSON

Debs, Re. Influenced by his attorney general, Richard Olney, and convinced that the Pullman strike[™] of June-July, 1894, was interfering with interstate commerce and the delivery of mails, President Cleveland ordered troops into Chicago and moved against the strikers in the courts. Although the Sherman Antitrust Act[™] had proved of little value in controlling monopoly and Olney himself considered it useless, he asked and secured from the United States Court in Chicago an injunction based on this act and on the law prohibiting obstruction of the mails. Described as "one of the most sweeping injunctions on record," it forbade Eugene V. Debs, president of the American Railway Union, and other officers "from in anyway or manner interfering with, hindering, obstructing or stopping" the business of the railroads entering Chicago. Arrested for alleged violation of the injunction on July 10, Debs and other leaders were found guilty, Dec. 14, of contempt and sentenced to jail, the sentences varying from three to six months (*U. S. v. Debs*, 64 Fed. 724). Carried to the Supreme Court on a writ of habeas corpus[™], the sentence was upheld, May 27, 1895, on the Government's constitutional authority over interstate commerce[™] and the mails (*In re Debs*, 158 U. S. 564). Avoiding examination of the Sherman Act,

the Court rested its decision upon "broader grounds."

[Edward Berman, *Labor and the Sherman Act and Labor Disputes and the President of the United States*; McAbster Coleman, *Eugene V. Debs*.]

H. U. FAULKNER

Debt, Imprisonment for. The practice of holding debtors to bail before judgment and imprisoning them afterwards until they gave satisfaction was brought to the colonies from England by the first settlers. A common modification of the system in many of the colonies provided that a debtor in execution might be sold into service for a period sufficient to discharge his debt. But this arrangement fell into disuse before the end of the 18th century.

Popular reaction against imprisonment for debt, which in England dated from about 1650, did not appear in the colonies until about 1775 when humanitarian societies modeled after the Thatched House Society of London began to operate in the cities, supplying food to poor prisoners and raising funds to settle small claims against them. The movement gained headway rapidly after 1800. State legislatures enacted poor debtor laws and insolvent laws of increasing liberality. "Prison limits," within which debtors furnishing bond were privileged to walk, were steadily enlarged until in some states they embraced entire counties.

The efforts of the humanitarians were reinforced by those of utilitarian legal reformers, who wished to substitute for imprisonment more direct means of coming at a debtor's property and to provide a system of distribution which would protect the interests of all creditors against the excessive diligence of one. It is in this respect that the abortive attempts to establish a system of bankruptcy^u in 1800 and 1841 impinge upon the subject.

From meliorative programs the reformers passed logically to agitation for a complete abolition of imprisonment for debt; and during the forty years between 1820 and 1860 laws or constitutional provisions, narrowly restricting the conditions on which imprisonment should be allowed, were adopted by most of the states. Kentucky acted first, in 1821, and New York next, in 1831. North and South Carolina and Florida, the last in order, prohibited imprisonment for simple debt by their constitutions in 1868.

[Charles Warren, *A History of the American Bar*.]

G. PHILIP BAUER

Debt, Public. With the establishment of the National Government, the problem of what to do with the debts that had been created by the

Continental Congress^u and the states became of pressing importance. There was general agreement that the foreign debt, which, with arrears in interest, amounted to \$11,710,000, should be assumed by the new Federal Government, but there was less unity of opinion about the assumption of the domestic debt, whether incurred by the states or the Continental Congress.

Alexander Hamilton, first Secretary of the Treasury, was strongly of the opinion that the Federal Government should assume the domestic as well as the foreign debt in order to assure a high rating to the public credit. Hamilton estimated that the domestic debt (exclusive of state debts) amounted to \$27,383,000, plus accrued interest of \$13,030,000, with an additional \$2,000,000 for unliquidated debt. The question of the assumption of this domestic debt was debated at length in Congress. Hamilton's counsel finally prevailed and it was provided that all holders of outstanding certificates were to receive their face value with interest, except for outstanding Continental bills of credit^u which were to be redeemed at 100 for 1 in specie.

In spite of considerable opposition, Hamilton was also successful in carrying through his plan for the assumption of state debts^u, some \$18,271,786 of these obligations being actually assumed by the Federal Government. The total of these items led to what was, at the time, a fairly large debt, amounting to \$75,463,476 in 1791.

From 1791 on, the public debt varied between \$75,000,000 and \$87,000,000 until 1806, after which it was reduced to a low of just over \$45,000,000 in 1812. The War of 1812^u naturally brought about a sharp increase in the debt, to \$127,334,933 in 1816. Thereafter it was again reduced steadily to only \$37,513 in 1835. From 1835 on the debt varied considerably from year to year, but remained below \$100,000,000 until 1862, the highest figure being \$90,380,874 in 1861, with much smaller totals prior to that year.

As with all wars, the Civil War^u brought a heavy increase in the public debt to a peak of \$2,332,331,208 in 1866. Following this year, reduction of the debt again set in, although the interest-bearing debt did not fall below \$1,000,000,000 until 1888, reaching a low of \$585,029,330 in 1892. There was then a moderate expansion of the Federal debt to slightly over \$1,000,000,000 in 1899, after which year it fell again slightly, remaining somewhat under \$1,000,000,000 from 1901 through 1916.

Beginning in 1917, our participation in the World War^u, with its attendant issues of Liberty Bonds^u, brought an unprecedented increase

in the public debt to the enormous total of \$25,-234,496,274 in 1919. As had been the policy following previous wars, the Government began to reduce the debt as soon as possible and had effected a reduction to \$15,770,000,000 by the end of the year 1930.

As the recession in business (*see* Panic of 1929) became increasingly severe, government revenues fell off and expenditures increased. This combination brought with it the need for increased borrowing by the Federal Government. The debt increased steadily to \$22,158,000,000 at the end of June, 1933. Even with the recovery in business, which set in in the spring of 1933, the Government continued to spend huge amounts in excess of revenues and the debt rose to \$37,000,000,000 in the spring of 1938 (*see* New Deal). In addition, beginning in 1934, the Government guaranteed, as to both principal and interest, the obligations of three Federal corporations, The Federal Farm Mortgage Corporation, The Home Owners' Loan Corporation, and the Reconstruction Finance Corporation⁹⁹, the amount of such guaranteed securities being \$4,646,000,000 at the end of March, 1938.

The figures presented in the preceding paragraphs refer to the interest-bearing debt of the Federal Government. In addition to this there is a small non-interest-bearing debt, composed of matured but not yet redeemed obligations, United States notes, etc., which amounted to \$556,000,000 at the end of March, 1938. The gross debt of the United States, aside from guaranteed obligations, was accordingly \$37,556,000,000 at that time.

It has been estimated that if state and local government debts be added to the Federal debt, the total public debt of the United States would be over \$50,000,000,000. It should be pointed out, however, that part of the huge increase in the Federal debt which has occurred since 1930 has been to obtain funds for government lending to private agencies, and some substantial part of this amount should be repaid in the future as the private agencies reduce their own indebtedness. The same observation applies to the obligations which the Government has guaranteed.

[Twentieth Century Fund, *The National Debt and Government Credit*; D. R. Dewey, *Financial History of the United States*.]

FREDERICK A. BRADFORD

Debt, State. *See* State Debts; Repudiation of State Debts.

Debts, Colonial and Continental. As custom, imperial restrictions, and local circumstances led the colonies to raise extraordinary public funds

by lotteries⁹⁷ and emission of paper currency rather than by borrowing, colonial debts, in the present sense, were not heavy. However, just as extraordinary expenses of King William's War caused Massachusetts first to issue paper currency in 1690 (*see* Paper Money; Currency, Colonial), the subsequent struggles with the French and Indians not only forced other colonies to follow suit but also to resort to other expedients which, by 1756, included borrowing funds for public purposes. In 1775 these debts, plus others incurred by British attempts at imperial reorganization, totaled over £2,500,000. Business depression, absence of capital, and lack of foreign credit notwithstanding, the states incurred heavy debts during the Revolution (*see* Revolution, Financing of). As Jefferson wrote, "Nobody knew what those debts were, what their amount or what their proofs," but the states floated domestic and foreign loans, gave innumerable "certificates" for war supplies, and incurred debts totaling, according to Hamilton's estimate, \$21,000,000. The Federal Government actually funded and assumed state debts (1790) in a total of \$18,271,786, to which more than \$3,000,000 was subsequently added.

Meanwhile, the Second Continental Congress and the Congress of the Confederation⁹⁹ had incurred heavy Continental debts. Despite constitutional weaknesses, the Continental Congress (Oct. 3, 1776) authorized a domestic loan of \$5,000,000. When interest was raised from 4% to 6% and the Congress began using foreign loans to pay interest on domestic debts, the domestic loans finally rose to \$11,585,506 (specie value); certificates of indebtedness for war supplies added \$16,708,000 (Hamilton's estimate), and the total domestic debt (1790) according to Hamilton's *Report* was \$40,423,085. Moreover, the Congresses had gained credit abroad. Foreign loans negotiated between 1777 and 1783 totaled \$7,830,517, of which \$6,352,500 were French; \$174,017, Spanish; and \$1,304,000 Dutch. After the war, the Confederation sank further into debt abroad. Dutch loans continued, totaling \$2,296,000 (1784-89), and as Congress was unable to pay all interest and installments on foreign loans, the foreign debt rose to \$11,763,110 by Jan. 1, 1790.

[Charles J. Bullock, *The Finances of the United States from 1775 to 1789* . . ., *Bulletin of the University of Wisconsin, Economics, Political Science, and History Series*, Vol. I, No. 2; Allan Nevins, *The American States during and after the Revolution*; Davis Rich Dewey, *Financial History of the United States*.]

RAYMOND P. STEARNS

Debts, Foreign. In 1914 American investors held foreign securities in an amount less than

\$1,000,000,000. America was still a debtor country. Ten years later American private holdings of foreign securities totaled almost \$4,600,000,000, or with short-term credits included, \$5,400,000,000. In addition to this sum was the indebtedness of almost \$12,000,000,000 of foreign governments to the Government of the United States (*see War Debts*). The United States had become a creditor nation.

Between July 1, 1913, and Dec. 31, 1919, the United States had an excess of merchandise exports over imports of almost \$16,000,000,000. Aside from the exportation of gold to the United States, sale to us of services and borrowing from the Government of the United States, this balance was paid for by private loans and repatriation of American securities. During this period repatriation of securities was estimated at \$2,200,000,000. Exclusive of refunding issues, \$3,000,000,000 of new capital was obtained through flotation of foreign securities in the American market. Taking account of direct investments abroad and making allowance also for capital imports, there was a net export of private capital of \$4,600,000,000. Foreign issues, 366 of them, aggregating \$3,536,607,700 were publicly offered to American investors.

Most of the wartime private loans were of short maturity ranging from one to five years. Several of them, even in the cases of governments with good credit standing, were secured by collateral, the securities pledged consisting mainly of American stocks and bonds. The losses on the wartime foreign financing were small as compared to those which occurred later with respect to the postwar loans. At the end of 1919 total private foreign investments, including portfolio investments, direct investments and unfunded credits totaled \$7,678,000,000. The portfolio was \$2,178,000,000.

In the twelve years between 1920-31, the American market absorbed \$11,623,000,000 of foreign security issues, or \$9,869,000,000 exclusive of refunding. These figures portray the situation clearly, although for certain reasons they slightly overstate the extent of purchases by Americans of foreign dollar bonds.

Geographical distribution of foreign dollar bond issues in the postwar period 1920-31 reveals that Europe was the chief borrower, accounting for 40% of the loans; North America, principally Canada, accounted for 29%; Latin America for 22%; and the Far East for 9%. The borrowers were government and corporate. Government borrowers included: national governments; state, provincial or departmental agencies; and municipalities. The corporate group

included bonds of government-controlled corporations or of those whose bonds carried a government guarantee and private corporations. National governments were the chief borrowers, their issues accounting for 42% of the total. Total portfolio investments between the end of 1919 and the end of 1930 increased by some \$5,000,000,000 to a total of \$7,000,000,000. Direct investments at the end of 1930, however, were somewhat greater than portfolio investments.

The orgy of foreign lending of the 1920's was followed by a cessation of lending in the 1930's, consequent upon the changed economic conditions and European credit crisis of 1931. Between 1931 and 1933 the inflow of foreign long-term capital exceeded new American investments abroad, although this was more than offset by the net export of short-term capital. Devaluation of the American dollar in 1934 was followed by an inflow of both short- and long-term capital. The creditor position of the United States today (1939) is due primarily to the fact of her large direct investments abroad. The United States is a debtor as to portfolio investments. There was reported as outstanding, at the end of 1935, \$7,490,000,000 in foreign dollar bonds, about 55% of which were actually held in this country.

There have been extensive defaults in connection with America's foreign dollar bonds. On these loans, with all receipts and losses considered, the rate of return to the end of 1937 would average just slightly below the rates paid on United States Government bonds.

[Madden, Nadler, and Sauvain, *America's Experience as a Creditor Nation*; Cleona Lewis, *America's Stake in International Investments*.]

MARVEL M. STOCKWELL

Debts, War. *See War Debts.*

Decatur's Cruise to Algiers (1815). On March 2, 1815, the United States declared war on Algiers for hostile acts (*see Barbary Wars*, The) committed during the War of 1812th and encouraged by Great Britain. Decatur sailed on May 20 with three frigates, three brigs, two schooners and a sloop, the *Guerrière* being his flagship. Off Cape de Gat, Spain, on June 17, he captured the Algerian frigate *Mashuda* and killed her commander, Reis Hammida. Arriving at Algiers on June 28, Decatur immediately negotiated a treaty with the frightened Dey, providing for release of American captives and their status in future as prisoners of war, reparations for captured property, and no more tribute from the United States.

[Charles Lee Lewis, *The Romantic Decatur*; Gardner W. Allen, *Our Navy and the Barbary Corsairs*.]

CHARLES LEE LEWIS

"Decius" Letters, THE, anonymously attacked Patrick Henry for his opposition to the Constitution. Written by James Montgomery, or, more probably, by John Nicholas, with the encouragement of others, they appeared in the *Independent Chronicle*, of Richmond, Va., between December, 1788, and March, 1789. Their malice aroused much feeling.

[George Morgan, *The True Patrick Henry*.]

LOUIS MARTIN SEARS

Declaration of Independence. June 7, 1776, Richard Henry Lee, on behalf of the Virginia delegation, submitted to the Continental Congress^a a resolution stating that "these United Colonies are, and of right ought to be, free and independent States, . . . and that all political connection between them and the State of Great Britain is, and of right ought to be, totally dissolved" (*Journals of Congress*, Ford ed., V, 424). This resolution was voted by Congress on July 2, and is, strictly speaking, the official declaration of independence from Great Britain. Meantime, on June 10 Congress voted to appoint a committee to "prepare a declaration" in support of the above resolution. The committee consisted of Thomas Jefferson, John Adams, Benjamin Franklin, Roger Sherman and Robert R. Livingston (*Ibid.*, 428-31). June 28 this committee reported to Congress the draft of a declaration entitled, "A Declaration by the Representatives of the United States of America in Congress Assembled," which with some modifications was adopted on July 4 (*Ibid.*, 491, 510). This is the document popularly known as the Declaration of Independence.

The task of drafting the Declaration was intrusted to Jefferson (*Works of John Adams*, II, 514; *Writings of Jefferson*, ed. 1869, VII, 304). Before submitting his draft to the committee, Jefferson showed it to Adams and Franklin, who together made some twenty-six alterations, mostly verbal, but including three new paragraphs (C. L. Becker, *The Declaration of Independence*, 160). As thus corrected, the draft was submitted to the committee, and by it, unaltered, to Congress. During the debates in Congress further changes were made, the most important being the omission of the paragraph on the slave trade, and the rewording of the final paragraph (*Ibid.*, 174 ff.). In spite of these alterations, the famous document is essentially the work of Thomas Jefferson.

In its final form the Declaration is entitled, "The Unanimous Declaration of the Thirteen United States of America." Strictly speaking, therefore, the title "Declaration of Independ-

Declaration of Independence

ence" is a misnomer. It is a misnomer, not only because the document does not bear that title, but because it was not the act by which independence was declared (that had been done on July 2) but a document proclaiming to the world the reasons for declaring independence. The purpose of the Declaration is stated in the first paragraph: "When in the course of human events it becomes necessary for one people to dissolve the political bands which have connected them with another, . . . a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation." Having stated its purpose, the Declaration goes on to formulate a theory of government which made the separation legitimate, and then to state the specific events which made it necessary.

The theory of government is formulated in the second paragraph. It is a brief statement of the theory of "Natural Rights,"^a commonly accepted in the 18th century: "We hold these truths to be self-evident, That all men are created equal, that they are endowed by their creator with certain unalienable rights; . . . that to secure these rights governments are instituted among men, deriving their just Powers from the consent of the governed; that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute new government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness."

The implications of the theory are that the people of the colonies were a free people and not merely part of the British people, and that their governments were separate entities and not creations of the British Parliament. Both of these implications were contrary to the assumptions on which the colonists had conducted their quarrel with the British government since 1765. They had repeatedly and consistently claimed to be British subjects, and to desire no more than the rights of British subjects within the empire. That they were in some measure subject to the laws of Parliament was conceded; the controversy turned on what rights the British constitution^a accorded them, what limits it placed on the authority of Parliament to legislate for them. They did not claim that these rights could justify separation from Great Britain, or complete freedom from Parliamentary legislation. But as the quarrel developed, the rights claimed were extended to meet the practical exigencies of the conflict. In 1765 the claim was "no taxation without representation."^a In 1768, in connection with the Townshend Acts^a, the claim was that a customs

duty intended to raise a revenue was a tax, or more broadly that colonial legislatures had an independent legislative jurisdiction in internal as distinct from imperial matters. But in 1768 Franklin went farther. "Something," he said, "might be made of either of the extremes: that Parliament has a power to make *all laws* for us, or that it has a power to make *no laws* for us; and I think the arguments for the latter more numerous and weighty than those for the former" (*Writings of Benjamin Franklin*, Smyth ed., V, 115). In the following year James Wilson developed this idea in a reasoned theory, designed to prove that since men are by nature free and equal no people, such as the British, have a right to govern any other people, such as the American, without that other's consent (*Works of James Wilson*, ed. 1804, III, 99). Although Wilson's pamphlet was not published at the time, his theory is essentially the same as that used by Jefferson in the Declaration of Independence.

It was indeed the only theory upon which the claim for separation from Great Britain could be justified as a right. And by 1776 the colonists had been forced to adopt the policy of separation in place of the former policy of demanding the rights of British subjects within the empire. The reason for the change was that, since Great Britain was determined to fight rather than make further concessions, and since there was no prospect that the colonies could succeed in the war without French aid, it was necessary, in order to obtain French aid, to come out frankly for independence (*see Franco-American Relations*): France would fight to disrupt but not to consolidate the British empire. To justify the claim for independence, the Declaration therefore assumed that the colonies were and always had been "free peoples." Hitherto they had voluntarily associated themselves with the British people, by voluntarily professing allegiance to the same king, and voluntarily submitting to certain regulations of the British Parliament. The theory implied that the British empire was a confederation of free peoples, any one of which might, at any time it judged expedient, withdraw from the confederation (*see Secession, Right of*). Now circumstances made it desirable that the American colonies should exercise this right. The circumstances were certain acts of the king which showed a design to subject the Americans to arbitrary control. The greater part of the Declaration consists of an enumeration of these arbitrary acts of the king: "He has refused his assent to laws the most wholesome and necessary for the public good. He has forbidden

his governors to pass laws of immediate and pressing importance," etc.

The Declaration thus consists, (1) of a theory of government which made it legitimate in Natural Law for the colonies to separate from Great Britain at any time they thought desirable; and, (2) of a list of specific acts on the part of the king which made it necessary in their own interest to do so at the present time. In Great Britain the Declaration was severely criticized for the speciousness of its political philosophy and for the disingenuousness of its charges against the king (John Lind, *An Answer to the Declaration*, 1776). In France Condorcet declared it to be a simple and sublime exposition of the rights so sacred and so long forgotten (*Œuvres*, VIII, 11). Lafayette placed a copy of the Declaration in his house, leaving beside it a vacant space to be filled by a similar declaration of rights for France at some future time (*Mémoires et correspondance*, III, 197). Throughout the 19th century it was regarded, by progressive and radical groups, as a great charter of freedom, a classic expression of the principles which they hoped to realize in their own countries.

[J. H. Hazelton, *The Declaration of Independence: Its History*; J. C. Fitzpatrick, The Manuscript from which Jefferson Wrote the Declaration of Independence, *Daughters of the American Revolution Magazine*, Vol. LV, 363; Carl Becker, *The Declaration of Independence, A Study in Political Ideas*; Robert Casey, *The Declaration of Independence*; Herbert Fredenwald, *The Declaration of Independence*.]

CARL BECKER

Declaration of Independence, Signing of. Contrary to tradition early established and maintained, the Declaration of Independence was not signed on July 4, 1776. The *Journal of the Continental Congress*⁷⁰ contains, for July 4, a copy of the Declaration in the form in which it was adopted, together with these words: "Signed by order and in behalf of the Congress, John Hancock, President." No other signatures are appended. The secret domestic *Journal* for July 19 contains the following entry: "Resolved that the Declaration passed on the 4th be fairly engrossed." In the margin there is added: "Engrossed on parchment with the title and stile of 'The Unanimous Declaration of the 13 United States of America,' and that the same when engrossed be signed by every member of Congress." On Aug. 2 occurs the following entry in the *Journal*: "The Declaration of Independence being engrossed and compared at the table was signed by the members." Certain members, being absent from Congress on Aug. 2, signed at a later date. (On this question, *see* Hazelton, *Declaration of Independence*, Ch. IX.) This parchment

copy of the Declaration, signed by the members of Congress, is carefully kept in Washington. It is identical in wording with the copy in the *Journal* which was adopted by Congress on July 4, although the engraver used a system of punctuation and capitalization which appears to have no justification either in custom or common sense, and which at all events did not follow that of any of the previous copies.

[J. H. Hazelton, *The Declaration of Independence, Its History*; J. C. Fitzpatrick, *The Manuscript from which Jefferson Wrote the Declaration of Independence, Daughters of the American Revolution Magazine*, Vol LV, 363; Carl Becker, *The Declaration of Independence, A Study in Political Ideas*; Robert Casey, *The Declaration of Independence*, Herbert Fredenwald, *The Declaration of Independence*.]

CARL BECKER

Declaration of Independence (Text).

In Congress, July 4, 1776.

The unanimous Declaration of the thirteen united States of America.

WHEN in the Course of human Events, it becomes necessary for one People to dissolve the Political Bands which have connected them with another, and to assume among the Powers of the Earth, the separate and equal Station to which the Laws of Nature and of Nature's God entitle them, a decent Respect to the Opinions of Mankind requires that they should declare the causes which impel them to the Separation.

We hold these Truths to be self-evident, that all Men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the Pursuit of Happiness—That to secure these Rights, Governments are instituted among Men, deriving their just Powers from the Consent of the Governed, that whenever any Form of Government becomes destructive of these Ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its Foundation on such Principles, and organizing its Powers in such Form, as to them shall seem most likely to effect their Safety and Happiness. Prudence, indeed, will dictate that Governments long established should not be changed for light and transient Causes; and accordingly all Experience hath shewn, that Mankind are more disposed to suffer, while Evils are sufferable, than to right themselves by abolishing the Forms to which they are accustomed. But when a long Train of Abuses and Usurpations, pursuing invariably the same Object, evinces a Design to reduce them under absolute Despotism, it is their Right, it is their Duty, to throw off such Government, and to provide new Guards for their future Security. Such has been the patient Suf-

Declaration of Independence

ferance of these Colonies; and such is now the Necessity which constrains them to alter their former Systems of Government. The History of the present King of Great-Britain is a History of repeated Injuries and Usurpations, all having in direct Object the Establishment of an absolute Tyranny over these States To prove this, let Facts be submitted to a candid World.

HE has refused his Assent to Laws, the most wholesome and necessary for the public Good.

HE has forbidden his Governors to pass Laws of immediate and pressing Importance, unless suspended in their Operation till his Assent should be obtained, and when so suspended, he has utterly neglected to attend to them.

HE has refused to pass other Laws for the Accommodation of large Districts of People, unless those People would relinquish the Right of Representation in the Legislature, a Right inestimable to them, and formidable to Tyrants only.

HE has called together Legislative Bodies at Places unusual, uncomfortable, and distant from the Depository of their public Records, for the sole Purpose of fatiguing them into Compliance with his Measures.

HE has dissolved Representative Houses repeatedly, for opposing with manly Firmness his Invasions on the Rights of the People.

HE has refused for a long Time, after such Dissolutions, to cause others to be elected; whereby the Legislative Powers, incapable of Annihilation, have returned to the People at large for their exercise; the State remaining in the mean time exposed to all the Dangers of Invasion from without, and Convulsions within.

HE has endeavoured to prevent the Population of these States; for that Purpose obstructing the Laws for Naturalization of Foreigners; refusing to pass others to encourage their Migrations hither, and raising the Conditions of new Appropriations of Lands.

HE has obstructed the Administration of Justice, by refusing his Assent to Laws for establishing Judiciary Powers.

HE has made Judges dependent on his Will alone, for the Tenure of their Offices, and the Amount and Payment of their Salaries.

HE has erected a Multitude of new Offices, and sent hither Swarms of Officers to harrass our People, and eat out their Substance.

HE has kept among us, in Times of Peace, Standing Armies, without the consent of our Legislatures.

HE has affected to render the Military independent of and superior to the Civil Power.

HE has combined with others to subject us to a Jurisdiction foreign to our Constitution, and

unacknowledged by our Laws; giving his Assent to their Acts of pretended Legislation:

For quartering large Bodies of Armed Troops among us:

For protecting them, by a mock Trial, from Punishment for any Murders which they should commit on the Inhabitants of these States:

For cutting off our Trade with all Parts of the World:

For imposing Taxes on us without our Consent:

For depriving us, in many Cases, of the Benefits of Trial by Jury:

For transporting us beyond Seas to be tried for pretended Offences:

For abolishing the free System of English Laws in a neighbouring Province, establishing therein an arbitrary Government, and enlarging its Boundaries, so as to render it at once an Example and fit Instrument for introducing the same absolute Rule into these Colonies:

For taking away our Charters, abolishing our most valuable Laws, and altering fundamentally the Forms of our Governments:

For suspending our own Legislatures, and declaring themselves invested with Power to legislate for us in all Cases whatsoever.

He has abdicated Government here, by declaring us out of his Protection and waging War against us.

He has plundered our Seas, ravaged our Coasts, burnt our Towns, and destroyed the Lives of our People.

He is, at this Time, transporting large Armies of foreign Mercenaries to compleat the Works of Death, Desolation, and Tyranny, already begun with circumstances of Cruelty and Perfidy, scarcely paralleled in the most barbarous Ages, and totally unworthy the Head of a civilized Nation.

He has constrained our fellow Citizens taken Captive on the high Seas to bear Arms against their Country, to become the Executioners of their Friends and Brethren, or to fall themselves by their Hands.

He has excited domestic Insurrections amongst us, and has endeavoured to bring on the Inhabitants of our Frontiers, the merciless Indian Sav-

ages, whose known Rule of Warfare, is an undistinguished Destruction, of all Ages, Sexes and Conditions.

In every stage of these Oppressions we have Petitioned for Redress in the most humble Terms: Our repeated Petitions have been answered only by repeated Injury. A Prince, whose Character is thus marked by every act which may define a Tyrant, is unfit to be the Ruler of a free People.

NOR have we been wanting in Attentions to our British Brethren. We have warned them from Time to Time of Attempts by their Legislature to extend an unwarrantable Jurisdiction over us. We have reminded them of the Circumstances of our Emigration and Settlement here. We have appealed to their native Justice and Magnanimity, and we have conjured them by the Ties of our common Kindred to disavow these Usurpations, which, would inevitably interrupt our Connections and Correspondence. They too have been deaf to the Voice of Justice and of Consanguinity. We must, therefore, acquiesce in the Necessity, which denounces our Separation, and hold them, as we hold the rest of Mankind, Enemies in War, in Peace, Friends.

We, therefore, the Representatives of the UNITED STATES OF AMERICA, in GENERAL CONGRESS, Assembled, appealing to the Supreme Judge of the World for the Rectitude of our Intentions, do, in the Name, and by Authority of the good People of these Colonies, solemnly Publish and Declare, That these United Colonies are, and of Right ought to be, FREE AND INDEPENDENT STATES; that they are absolved from all Allegiance to the British Crown, and that all political Connection between them and the State of Great-Britain, is and ought to be totally dissolved, and that as FREE AND INDEPENDENT STATES, they have full Power to levy War, conclude Peace, contract Alliances, establish Commerce, and to do all other Acts and Things which INDEPENDENT STATES may of right do. And for the support of this Declaration, with a firm Reliance on the Protection of divine Providence, we mutually pledge to each other our Lives, our Fortunes, and our sacred Honor.

John Hancock

NEW-HAMPSHIRE. { *Josiah Bartlett,*
 Wm. Whipple,
 Matthew Thornton.

MASSACHUSETTS- { *Sam^l. Adams,*
BAY. *John Adams,*
 Rob^t. Treat Paine,
 Elbridge Gerry.

RHODE-ISLAND AND { *Step. Hopkins,*
PROVIDENCE, &c. *William Ellery.*

CONNECTICUT. { *Roger Sherman,*
 Sam^l. Huntington,
 Wm Williams,
 Oliver Wolcott.

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|---------------|---|-----------------|---|
| NEW-YORK. | <i>Wm. Floyd, Phil. Livingston, Frans Lewis, Lewis Morris.</i> | MARYLAND. | <i>Samuel Chase, Wm. Paca, Thos Stone, Charles Carroll, of Car- rollton.</i> |
| NEW-JERSEY. | <i>Richd. Stockton, Jno. Witherspoon, Fras. Hopkinson, John Hart, Abra. Clark.</i> | VIRGINIA. | <i>George Wythe, Richard Henry Lee, Ths. Jefferson, Benja Harrison, Thos Nelson, jr. Francis Lightfoot Lee, Carter Braxton.</i> |
| PENNSYLVANIA. | <i>Robt Morris, Benjamin Rush, Benja. Franklin, John Morton, Geo. Clymer, Jas. Smith, Geo. Taylor, James Wilson, Geo. Ross.</i> | NORTH-CAROLINA. | <i>Wm Hooper, Joseph Hewes, John Penn.</i> |
| DELAWARE. | <i>Cæsar Rodney, Geo. Read, (Tho M:Kean.)</i> | SOUTH-CAROLINA. | <i>Edward Rutledge, Thos Heyward, junr. Thomas Lynch, junr. Arthur Middleton.</i> |
| | | GEORGIA. | <i>Button Gwinnett, Lyman Hall, Geo. Walton.</i> |

Declaration of Rights, THE. In response to an appeal from Massachusetts, representatives of all the colonies, except Georgia, met in September, 1774, in Philadelphia to deliberate upon redress of their common grievances. In this First Continental Congress⁹⁹ a committee of two from each colony reported on the violation of the rights of the colonies. On Oct. 14 a resolution embodying the views of the Congress was passed, and became known as the Declaration of Rights. In the introduction it was asserted that the Parliament had assumed the authority of compelling the colonists to submit to a policy which deprived them of rights which, as Englishmen, they had every reason to expect would be recognized (*see* Constitution, British).

Then followed in these resolves eleven specific resolutions defining the rights and declaring that they had been violated. By the "principles of the English Constitution" the colonists were entitled to "life, liberty, and property." Removal to the colonies did not result in the loss of the rights of Englishmen⁹⁹, for they were entitled to "all the rights, liberties, and immunities of free natural-born subjects, within the realm of England." It was maintained that the colonists had no representatives in Parliament and "that the foundation of English liberty, and of all free government, is a right in the people to participate in their legislative council." The colonists were entitled to the benefits of the "common law of England" and the "privilege of being tried by their peers of the vicinage." The colonists were

insistent that they were "entitled to all the immunities and privileges granted and confirmed to them by royal charters."

As loyal Englishmen they insisted "that they have a right peaceably to assemble, consider of their grievances, and petition the king." They regarded as a serious menace, "keeping a standing army in these colonies, in time of peace, without the consent of the legislature." It was maintained that it was "indispensably necessary to good government, and rendered essential by the English Constitution that the constituent branches of the legislature be independent of each other," and that the exercise of legislative power in several colonies by a council appointed by the king was "unconstitutional, dangerous, and destructive to the freedom of American legislation." It was insisted that the rights of the colonists were violated by the Stamp Act, the Townshend Revenue Act, the Coercive Acts of 1774 and the Quebec Act⁹⁹. It was hoped that this declaration would impress the British statesmen sufficiently to bring about the desired relief (*see* Declaration of Independence).

[William MacDonald, *Documentary Source Book of American History*, copy of Declaration of Rights; S. G. Fisher, *The Struggle for American Independence*, Vol. I.]

PERCY SCOTT FLIPPIN

Declaratory Act, THE, was intended to be an important constitutional compromise. The Stamp Act⁹⁹ (1765) had aroused a constitutional controversy unequalled since the Revolution of 1688. The colonial empire had grown to large

proportions but the relations of Parliament to that empire had never been defined. Parliament had developed as a supreme, unrestrained legislature in England, while each colony had been evolving a legislature of the same type for its own local affairs. The attempt to extend Parliament's general legislative powers, including the power to tax, to the colonies by means of the Sugar Act⁷⁰ (1764) and the Stamp Act caused widespread denial in America of parliamentary authority, and individuals and legislative bodies challenged the exercise of such power as unconstitutional; at the same time the authority of Parliament was vehemently upheld by writers in England. Public opinion in England crystallized in favor of withdrawing from the attempt to tax the colonies, but in favor of maintaining the constitutional supremacy of Parliament. The result was a repeal of the Stamp Act, abandonment of any program of internal taxation of the colonies, and the passage of a Declaratory Act to clarify the constitutional question. Both passed the House of Commons on the same day (March 4, 1766) and the House of Lords a few days later. The Declaratory Act (1) recited the claims of the colonies to a legal exclusive right of taxation; (2) asserted that the colonies were subordinate to the crown and Parliament; (3) declared the king and Parliament "had, hath, and of right ought to have the full power and authority to make laws and statutes of sufficient force and validity to bind the colonies and people of America, subjects of the Crown of Great Britain, in all cases whatsoever"; (4) declared all votes, resolutions and proceedings of the colonies calling in question the authority of Parliament as stated above "utterly null and void to all intents and purposes whatsoever."

A declaratory act clarifying the British constitution was favored by Pitt and other friends of America, but the act as passed went far beyond their wishes. The assumption by Parliament of authority to annul colonial legislation was an exercise of power entirely novel; and, when Parliament suspended the New York Assembly (1767), the powers claimed for Parliament began to assume a sinister aspect to the Americans. Every new regulatory act gave added meaning to the Declaratory Act and it thus became an active cause of grievance and a standing threat to colonial self-government, instead of the constitutional compromise as originally intended.

[William MacDonald, *Select Charters and Other Documents Illustrative of American History, 1606-1775.*]

O. M. DICKERSON

Declaratory Judgment Laws, enacted since 1915 by a majority of the states and by Congress

in 1934, have broadened the field of "preventive justice" by permitting courts, when petitioned by interested parties, to render judgments clearing up in advance of hostile litigation any doubts as to the legal status of persons, the title to property, or the meaning of a contract, before the parties concerned have suffered loss or injury. Twenty-four states have adopted a uniform declaratory judgment law drafted by the Conference of Commissioners on Uniform State Laws.

[*Code of the Laws of the United States, 1934*; E. M. Borchard, *Declaratory Judgments*, and *Declaratory Judgments in the Federal Courts, Harvard Law Rev., XLIX, 1351-1361, June, 1936.*]

P. ORMAN RAY

Decoration Day (May 30), or Memorial Day, has been formally observed since 1868, when Gen. John A. Logan, Commander in Chief of the Grand Army of the Republic⁷¹, called on members of the order to decorate soldiers' graves with flowers on the 30th day of May. The custom, which had been established in several communities during and immediately after the Civil War, spread rapidly, and Decoration Day was soon made a legal holiday in a number of Northern states. It is now observed throughout the country, although in several Southern states ceremonies are held on dates other than May 30.

[G. W. Douglas, *The American Book of Days.*]

PAUL M. ANGLE

Deep South is the tier of states stretching from South Carolina to Texas. It is characterized by an agricultural economy based upon cotton production. Before 1865 it produced cotton under the plantation system⁷² using Negro slave labor. Since that time production by share cropping and the tenant system⁷³ is the custom.

[William Garrott Brown, *The Lower South in American History.*]

HALLIE FARMER

Deere and Company. In 1837 John Deere, Vermont-born blacksmith of Grand Detour, Ill., invented a steel plow suitable for prairie soils. Deere moved his plant to Moline, Ill., in 1847. In 1858 he organized the family-controlled firm of Deere and Company. Soon it was the world's largest plow maker and also manufactured many other types of farm implements. Six competing firms came under its control in 1910. Twenty years later it comprised ten factories with 11,000 employees.

[Esther C. Lind, *The Development of Deere and Company*, Ms. in University of Chicago library based on Deere and Co. files.]

WM. T. HUTCHINSON

Deerfield Massacre, THE. From the time of its first settlement in 1669 the town of Deerfield

was exposed to frequent attacks from the Indians and the French by reason of its situation in the open valley of the Connecticut River, a natural highway from Canada to the sea, and long the western frontier of the Massachusetts Colony. The Deerfield Massacre took place in the early morning of Feb. 29, 1704, when a force of 50 French soldiers and 200 Indian allies from Canada, under the command of Maj. Hertel de Rouville, easily entered the snow-drifted stockade and quickly overcame the sleeping inhabitants. No effective resistance was possible except at the Stebbins house where seven men and four or five women with their children successfully defended themselves. Of the 300 inhabitants about 50 were killed, 137 escaped and 111 were taken prisoners. During the harrowing journey to Canada seventeen of the captives died from exposure or at the hands of their Indian captors. Among the prisoners was Eunice Mather Williams, the wife of Pastor John Williams, who published a touching narrative entitled *The Redeemed Captive Returning to Zion*. After prolonged negotiations, lasting several years, sixty of the captives were allowed to return home. Some, however, preferred to remain in Canada, including Pastor Williams' daughter, who married an Indian.

[Francis Parkman, *A Half-Century of Conflict*.]

PHILIP M. BROWN

Defense, National. At the conclusion of the Revolutionary War the new nation was impoverished and its central government was weak and ineffective. There was no possibility of maintaining a strong national force. The navy was entirely abolished in 1785, and for some months in 1784-85 the only regular military force consisted of eighty men retained to guard the public stores (*see* Army, U. S.). The pressure of the Indian problem in the Old Northwest[™], however, compelled Congress almost immediately to set up a somewhat larger establishment; and when Washington became President (1789) the United States Army numbered 672 regular soldiers. The new Constitution provided a sound basis for national armaments. In 1794 the navy was revived by an act authorizing construction of frigates to deal with Algerine pirates; and the French crisis (*see* Franco-American Misunderstanding, 1798-1800) led to the creation of the Navy Department (*see* Navy, U. S.). The quasi-war with France raised naval expenditures to more than \$3,400,000 in 1800, and brought authorization for further enlargement of the already increased military force—War Department expenditures in 1800 amounted to about \$2,500,000. Jefferson's Republicans[™], coming into pow-

er in 1801, were hostile to the navy, but the war with Tripoli (*see* Barbary Wars, The) served at least to keep it in existence.

At the outbreak of the War of 1812[™] the navy was tiny, and the army numbered only about 6000 trained men. Like later conflicts, this war, with its spectacular naval successes, left its mark on defense policy. Thereafter, annual naval expenditure rarely fell below \$3,000,000, as against \$1,637,000 average for 1801-10. Similarly, wartime demonstrations of militia inefficiency brought an increase of the regular army, in 1815, to 10,000 men, which, however, was reduced to 6183 in 1821. The army cost in 1820 was \$2,600,000 as compared with the \$1,632,000 average for 1801-10. By 1833 broadening frontier activity had raised the figure to \$6,700,000, although authorized strength was still little over 7000. In the same year the navy cost about \$3,900,000. The years 1836-38, which witnessed the Florida War[™] and Canadian-border difficulties (*see* Caroline Affair, "Hunters" Lodges), produced considerable increases. In 1837 the War Department expended \$13,600,000, and the Navy Department \$6,600,000; in the latter case the increase proved permanent. The army was raised to 12,539 in 1838, but with normal conditions was reduced (1842) to 8613. The Mexican War[™] brought a slight permanent increase; at its close, the army was granted an authorized strength of 9805, and the War Department's annual expenditure never afterwards fell below \$8,500,000. During the 1850's there were marked increases, due partly to the needs of the new Western territories. The Navy Department's costs passed \$10,000,000 in 1853, and in 1859 they rose to about \$14,700,000. The War Department reached a new peacetime peak (about \$25,700,000) in 1858. In 1860 the strength of the army was over 16,000, while the navy, with 90 vessels on the register and 45 in actual commission, had 7600 seamen and 1700 marines.

The tremendous expansion during the Civil War[™] had less permanent effect than might be supposed. The army's strength, fixed at 54,302 in 1866, was soon reduced. An act of July 15, 1870, fixed 30,000 as the maximum number of enlisted men, and another of June 16, 1874, forbade recruiting beyond 25,000, exclusive of the Signal Corps[™]. Thereafter, until 1898, with minor and temporary exceptions, the actual strength varied from about 25,000 to 27,000 officers and men. After 1889 the War Department's expenditures rose steadily from a previous annual average of \$40,000,000, and in 1894 amounted to \$56,800,000. The navy, after the Civil War, was almost entirely neglected. In 1880 it cost only \$13,500,-

000. Revival began in 1883, when four steel vessels were authorized (*see* "White Squadron"); but the real increase dates from 1889. By 1894 the Navy Department's expenditures had reached \$32,000,000. Nationalistic impulses, and the "sea power" doctrines of Admiral Mahan, interpreted by Theodore Roosevelt and Henry Cabot Lodge, were having their effect. By 1898 the country possessed the small but efficient fleet which won the Spanish-American War⁷.

This little war was the most important turning point in the history of American armaments. It gave free rein to the forces which during the previous decade had already produced considerable increases; and by endowing the United States with territorial possessions and responsibilities in both the Pacific and the Caribbean it imposed larger tasks upon its military and naval forces, and so ensured their expansion. The strength of the army, about 27,000 before the war, never afterwards fell below 66,000. After 1905 it increased steadily and reached 97,000 in 1914. Similarly, the total expenditure of the War Department never afterwards fell below \$112,000,000. By 1914 it was \$208,000,000. Of this sum, however, \$49,000,000 was for rivers and harbors and \$35,000,000 for the Panama Canal⁸. Even more striking was the growth of the navy. The highest previous peacetime expenditure had been \$34,000,000 (1897); afterwards the lowest point was \$55,900,000 (1900), and from this it climbed to \$117,500,000 in 1905 and to \$140,000,000 in 1914. In 1898 there had been on the navy list 131 completed vessels, including 6 battleships; in 1905 there were 261, including 13 battleships, with 13 more battleships under construction. In 1898 the statutory limit on the number of enlisted men was 12,500, but by 1914 the actual strength was above 52,000.

The World War⁹ further accelerated the increase of armaments. By 1915 an active "preparedness"¹⁰ campaign was under way, and as the implications of his policy of attempting to defend neutral rights became clearer, President Wilson's administration was more and more impelled toward such a program. The consequence was the National Defense Act¹¹ of June 3 and the naval appropriation act of Aug. 29, 1916, the two constituting the largest peacetime armament scheme ever undertaken by the United States. The former envisaged a regular army which by 1920 would comprise 235,000 men; the latter looked to the possession of "a fleet equal to any in existence." Amendments to the National Defense Act, passed June 4, 1920, fixed the army's maximum strength in enlisted men as high as 280,000. The actual strength from 1923 to 1935 averaged

about 135,000 officers and men. The lowest postwar expenditures were in 1924, with \$357,000,000 for the military and non-military work of the War Department. Danger of a postwar naval building race with Britain and Japan was averted by the limitation treaties signed at the Washington Conference of 1922¹²; the United States then abandoned much of its 1916 program, but was conceded battleship "parity"¹³ with Britain. Nevertheless, Navy Department expenditures remained much higher than before the war, those for the lowest postwar year (1934) being \$297,000,000. Navy personnel (1923-35) averaged about 82,000 enlisted men and 16,000 marines.

With 1935 a new era of expansion began. The world situation was increasingly grave, and the Washington and London naval treaties were to lapse at the end of 1936. For 1936-37 Congress appropriated for the Navy Department \$526,000,000, an increase of \$68,000,000 over the previous year. For 1935-36 the total War Department appropriation was \$403,000,000, for 1936-37 it was \$572,000,000. In 1936 the army was authorized to maintain 165,000 enlisted men; in June, 1937, its strength, including the Philippine Scouts, was 177,307 officers and men. In 1937 provision was made for 96,500 enlisted men for the navy, in addition to the marines. In May, 1938, Congress authorized a 20% increase of the navy, estimated to cost \$1,156,000,000. Appropriations for 1938-39 amounted for the War Department to \$459,401,254 and \$196,962,867 for military and civil operations respectively; and for the Navy Department to \$546,866,494.

The United States now seems committed to maintaining a fleet roughly equal to Great Britain's—that is, equal to the largest afloat—and a professional army of somewhat less than 200,000. The army is small compared with the conscript forces of many foreign nations; but, like all forces of its type, it is decidedly expensive. Behind the regular army stand the National Guard¹⁴, a citizen force whose strength between 1890 and 1936 increased from 109,535 to 189,173, and the organized Reserve¹⁵.

[Dudley W. Knox, *History of the United States Navy*; Oliver Lyman Spaulding, *The United States Army in War and Peace*; Harold and Margaret Sprout, *The Rise of American Naval Power*, Emory Upton, *Military Policy of the United States*; *Statistical Abstract of the United States, 1878-1937*; annual reports of the Secretaries of War and of the Navy.]

G. P. STACEY

Defiance, Fort, the strongest post built by Anthony Wayne during the campaign of 1794 (*see* Wayne Campaign), was at the junction of the Auglaize and Maumee rivers within the present Defiance, Ohio. After its completion, Wayne

reputedly exclaimed, "I defy the English, Indians, and all the devils in hell to take it," and Gen. Charles Scott replied, "Then call it Fort Defiance." From it Wayne moved down the Maumee valley to the victory of Fallen Timbers⁷⁰.

[Charles E. Slocum, *History of the Maumee River Basin*.]
FRANCIS PHELPS WEISENBURGER

Deficiency Bill, THE. Actual expenditures frequently exceed those authorized by appropriation acts because budgets are prepared in advance of the fiscal period to which they apply. Additional appropriations to cover obligations already incurred are then made in a deficiency bill. This device, commonly used by Congress and many state legislatures, is objectionable because it tends to break down budgetary control. The National Budget and Accounting Act⁷¹ (1921) recognizes the unavailability of deficiency bills but attempts to control their abuse.

[A. E. Buck, *Public Budgeting*; W. F. Willoughby, *The National Budget System*.]
MALCOLM M. DAVISSON

Deficit, Federal. Since the Federal Government's annual receipts and expenditures never balance exactly, a surplus or deficit must result. All wars and all major depressions but that of 1921 have caused a deficit. There have been fifty-one deficits since 1791. Minor ones, financed by bank loans or bond issues, have been wiped out by higher taxes or greater tax receipts in better times. Major ones have been financed by one or more of three fundamental methods—inflation, borrowing and taxation.

The Revolutionary War was financed largely by domestic loans, and issues by Continental Congress and by state congresses of paper money, most of which was later repudiated or redeemed at very low rates. The War of 1812 caused a four-year deficit of \$68,000,000 which was financed two thirds by internal loans and one third by circulating treasury notes⁷². The Mexican War produced a three-year deficit of \$53,000,000 that was easily taken care of by government borrowing. The Civil War was accompanied by a four-year deficit of \$2,619,000,000 which was financed largely by borrowing on long-term bonds and interest-bearing notes. Greenback⁷³ issues took care of about one sixth the amount. The Spanish-American War caused a two-year deficit of \$127,000,000, and was financed by a "popular loan" and increased internal taxes. The World War produced a three-year deficit of \$24,900,000,000. The Government met urgent needs by selling the banks short-term treasury notes. These were soon retired with the proceeds of the next Liberty Loan. There were

five such loans. Banks co-operated by lending to people who wanted to buy the bonds and accepting the bonds as security. The Government then drew checks on the deposits thus created. A deposit currency inflation resulted, the cost of living about doubling between 1916 and 1920.

Not until after 1929 did a depression constitute a major emergency comparable to a war. From 1931 to 1938 the Government has had an average annual deficit of nearly \$3,000,000,000, the national debt⁷⁴ more than doubling and the eight deficits equaling the total costs of government, including war expenditures, from 1776 to 1900. These deficits have been financed by the sale of government obligations to the public and the banks. On Sept. 30, 1938, the member banks of the Federal Reserve System⁷⁵ and the Federal Reserve Banks held \$15,600,000,000 of these—roughly three eighths of the national debt. They are now the largest single earning asset of these banks. The banks can buy more by using the bonds as collateral for their individual notes and borrowing at the Federal Reserve Banks. The system resembles that employed during the war and may again produce a serious deposit currency inflation. Since 1936 the Government has also borrowed the funds accumulating under the Social Security⁷⁶ law.

It is an almost invariable rule that government expenditures decline little after an emergency, but have to be supported by new and greater revenues at the higher level.

[D. R. Dewey, *Financial History of the U. S.*; A. D. Noyes, *War Period of American Finance*; J. H. Hollander, *War Borrowing*; 20th Century Fund, *The National Debt and Government Credit*; National Industrial Conference Board, *Cost of Government, 1935-37*, annual.]

DONALD L. KEMMERER

Definitive Treaty of Peace, Signed at Paris, Sept. 3, 1783. This treaty between Great Britain and the United States marked the final consummation of American independence. Coincidentally were signed peace treaties between Great Britain and each of two other belligerents, France, the ally of the United States, and Spain, the ally of France (see Aranjuez, The Convention of). A preliminary peace between Great Britain and the Netherlands (nobody's ally) had been signed on Sept. 2, 1783.

The definitive treaties marked the end of a complicated negotiation in Paris between Great Britain and her several enemies, begun in March, 1782, by the Rockingham Ministry, and continued by the government of Lord Shelburne through its agent, Richard Oswald, who had conducted the American negotiation from the first, and other British diplomatic officers. It was fea-

tured by the separately negotiated preliminary and conditional articles of peace between the United States and Great Britain, signed Nov. 30, 1782, which were not to go into effect until peace should be signed between the American ally, France, and the common enemy, Great Britain. France, in turn, deferred her peace until her ally, Spain, should have also reached a settlement with Great Britain. The French and Spanish preliminaries were signed on Jan. 2, 1783, on which date the American preliminaries went into effect, and a general armistice took place pending signature of a final and definitive treaty of peace. The three sets (Anglo-American, Anglo-French and Anglo-Spanish) of preliminary articles of peace were thus in the nature of armistice agreements which accompanied a cessation of hostilities but did not end the legal state of war.

The definitive treaties, which ended the war, were deferred for several months in the hope of securing more concessions from the British, and to give the Dutch time to make a satisfactory peace with Great Britain. The Anglo-Dutch preliminary articles of peace were signed on Sept. 2, 1783, and the next day the definitive treaties (American, French and Spanish) were signed in essentially the same form as the respective preliminary articles. The Anglo-Dutch definitive treaty was not concluded until May 20, 1784.

Conflicting interests of the United States, France and Spain, but particularly of the United States and Spain, made each distrustful of the other and imperiled the success of the allies and associates in the war against Great Britain, and in the peace negotiations. The United States strove to get recognition of its independence within boundaries as wide as could be obtained, including Canada. Spain wanted Gibraltar from England and hoped to see the boundaries of the United States kept well to the east of the Mississippi. France desired primarily to cripple her traditional enemy, Great Britain, by detaching the United States from the Empire, thus fulfilling the obligations of the Franco-American alliance of 1778th by securing the independence of the United States, absolute and unlimited, either by treaty or by truce; and it was the hope of France to induce Spain to make peace with Great Britain, if necessary, without securing Gibraltar, which France had pledged to Spain by the Convention of Aranjuez.

In these negotiations it was the strategy of the French Minister of State, the Comte de Vergennes, to defer the definitive peace until all could sign their respective treaties simultaneously, and meanwhile to steer the negotiations so as to pre-

serve France's essential objective, the independence of the United States, without leaving that republic powerful enough to get along without French patronage. To do this he endeavored to reconcile Spanish and American differences by suggesting limitations of American boundaries east of the Mississippi, which would have left both banks of the river, and its lower valley south of the Ohio, to Spain; and which would have left the Great Lakes and territory north of the Ohio and east of the Mississippi to Great Britain.

Vergennes' compromise suggestions helped to precipitate the signature, separately and secretly from France, of preliminary and conditional articles of peace with Great Britain by the plenipotentiaries of the United States, Benjamin Franklin, John Adams, John Jay and Henry Laurens. Despite perfunctory protests at this conditional signature without the privity of France, Vergennes did not seem much displeased with the separate American conditional articles, because it enabled him to suggest to his Spanish ally the hopelessness of continuing the common war in order to secure Gibraltar, particularly after the British had broken up a Franco-Spanish siege of that fortress. Aranda, Spanish Ambassador at Paris, signed on his own responsibility a peace with Great Britain which gave Florida but not Gibraltar to Spain.

The principal terms of the Anglo-American definitive treaty were: independence of the United States; evacuation "with all convenient speed" of British troops; guaranty against legal obstacles for the collection, in sterling money, of private pre-war debts to British creditors (*see* British Debts); boundary on the north corresponding to the present one as far west as the Lake of the Woods, on the west the Mississippi, on the south Florida; and "liberty" to fish in Atlantic inshore fisheries of remaining British North America. A secret article in the preliminary articles had stipulated that if Florida should remain to Great Britain in the final peace, then the northern boundary of Florida should be made more favorable to Great Britain (the latitude of the mouth of the Yazoo River—present Vicksburg—instead of 31° N. Lat.). Since Spain took Florida in the final peace this article was omitted from the definitive Anglo-American Treaty.

[Samuel Flagg Bemis, *Diplomacy of the American Revolution*.]
SAMUEL FLAGG BEMIS

DeGolyer Case, THE. In 1874 a congressional committee investigated the excessive expenditures connected with municipal paving in Washington under the administration of "Boss Shep-

ard" in 1872. A scandal emerged when it was discovered that the firm which laid the DeGolyer wooden block pavement had paid a large fee to J. A. Garfield, a member of the House, to present their merits before the Board of Public Works, and also spent nearly five times as much on lobbyists to secure a contract.

[Senate Report 453, 43rd Congress, 1st Session, 1873-74, Affairs in the District of Columbia.]

THEODORE CLARKE SMITH

DeHaven's Exploring Expedition (1850-51) was undertaken by the Federal Government and financed by Henry Grinnell, a wealthy New York merchant, for the purpose of rescuing the lost Arctic explorer, Sir John Franklin. The expedition, consisting of two small brigs, the *Advance* and *Rescue*, and thirty-three men, in command of Lt Edwin Jesse DeHaven, United States Navy, left New York, May 22, 1850. DeHaven began his search in Baffin Bay, sailing westward into Barrow Strait, where he found evidence of Franklin's encampments. DeHaven did not find Franklin but discovered and named Grinnell Land. The expedition returned to New York, Sept. 30, 1851.

[A. Gleaves, *The DeHaven Arctic Expedition*, U. S. Naval Institute *Proceedings*, July 1928; E. K. Kane, *The U. S. Grinnell Expedition*.]

LOUIS H. BOLANDER

Deism, the belief in the existence of a supreme being, but rejecting revelation and the supernatural doctrines of Christianity, was introduced into America in the latter 18th century. Its influence was particularly felt during and immediately following the Revolution. Thomas Jefferson and Thomas Paine were avowed deists and numerous other influential men of the time leaned strongly in that direction. It invaded all the colleges and the whole religious climate of America was greatly affected by it.

[J. M. Robertson, *Short History of Free Thought*; G. Adolf Koch, *Republican Religion: The American Revolution and the Cult of Reason*.]

WILLIAM W. SWEET

Delaware. With the adoption of the state constitution, Sept. 21, 1776, Delaware became a political unit. Known as the Three Lower Counties, it had been under the jurisdiction of Pennsylvania for ninety-four years (*see Delaware Counties*). The struggle for a separate political power had dated from 1702. A convention which met on Oct. 21, 1775, to elect delegates to the Second Continental Congress⁷⁷ ordered that the Lower Counties have an "equal voice in Congress with the other Colonies."

The first settlement within the limits of the

Three Counties, made in Sussex County by the Dutch in 1631, was destroyed by the Indians the same year (*see Zwaanendael Colony*). Six years later, on the banks of Minquas Kill, now Christina River, the Swedes landed naming the surrounding country New Sweden⁷⁸. Captured by the Dutch in 1655, it was under the rule of Peter Stuyvesant until 1664, when the English gained control of all Dutch territory and reduced New Castle⁷⁹, the only town in the Delaware River Valley. (*See York's, Duke of, Proprietary*.)

With the coming of William Penn in 1682, the controversy with Lord Baltimore regarding the ownership of the land along the Delaware River was continued until 1750, when the boundary was decided by the Lord Chancellor of England. This boundary was surveyed in 1765-67 (*see Mason and Dixon Line*). The conflicting claims of the two proprietors for Sussex County interfered greatly with its settlement.

There were few manufactures, the majority of the people living on farms. Following the Revolutionary War, Wilmington became the center of the flour-milling industry in the United States. In 1802 E. I. duPont⁸⁰ began the manufacture of gunpowder on the banks of the Brandywine. Shipping and foreign trade brought a large amount of money to the town. The danger of invasion during the War of 1812⁸¹ caused Delaware to take an active part in that conflict.

Delaware was a slaveholding state, although there was a strong sentiment in favor of abolition⁸². When the Civil War⁸³ broke out the interests of the northern part of the state were strongly on the side of the Union (*see Border States*), and Delaware raised seven regiments for the Union Army, sending more soldiers in proportion to its population than any other state.

After the close of the war the Thirteenth and Fourteenth Amendments⁸⁴ to the Constitution caused strong opposition. The Democratic party⁸⁵, known as the "White Man's Party," gained and retained entire political control until 1889, when the first Republican⁸⁶ senator was elected to Congress.

The first railway, the New Castle and Frenchtown, began operating in 1831, following the old turnpike of that name. Three railroads now traverse the state: the Baltimore and Ohio, the Philadelphia and Reading and the Pennsylvania⁸⁷. A branch of the last, the Delaware Division, extends from Wilmington the length of the state.

The breakwater at the mouth of Delaware Bay⁸⁸ was commenced by the National Government in 1828, and has been of untold value to coastwise shipping. Fort Delaware on Pea Patch

Island, ceded by the state in 1813, was built following the War of 1812. The fortifications on the island were removed in recent years to Fort DuPont on the mainland, situated north of the eastern entrance of the Chesapeake and Delaware canal⁷⁰.

[*Proceedings of Convention of Delaware State held in New Castle, 1776*; Henry C. Conrad, *History of the State of Delaware*, B. G. duPont, *A History of E. I. duPont de Nemours & Company*, Benjamin Ferris, *Original Settlements on the Delaware*; Amandus Johnson, *Swedish Settlements on the Delaware*; *Laws of the State of Delaware*; Thomas Scharf, *History of Delaware*; *Pennsylvania Gazette*, 1775.]

ANNA T. LINCOLN

Delaware, Lackawanna and Western Railroad, THE, was incorporated in 1849 by the Pennsylvania legislature and took its present name after consolidations in 1853. In 1937 it operated about 1000 miles of railroad in New Jersey, Pennsylvania and New York, with terminals at Hoboken, N. J., and Buffalo, N. Y. Its long importance rested upon ownership of coal lands, its strong position as an anthracite⁷¹ carrier, and its tapping of a rich mineral, industrial and agricultural country. Its coal lands were eventually separated through court decisions under the Hepburn Act⁷², and the declining relative importance of anthracite has affected its prosperity.

[*Poor's Railroad Volume*, 1936.]

H. U. FAULKNER

Delaware, THE. This tribe, known to themselves as Leni-Lenape, i.e., real men, at the time of the first white settlement occupied the entire basin of the Delaware River in what is now the states of Pennsylvania, New Jersey and New York. After their famous treaty of peace and fair play with William Penn at Shackamaxon⁷³ (Kensington, Pa.) in 1682, they were gradually forced to give up their original lands in a series of treaties and incidents, the best known of which was the Walking Purchase⁷⁴ of 1737. As dependents of the Iroquois⁷⁵, they remained at peace with the whites until, in 1755, the section that had migrated to the upper Ohio Valley (see Easton, Treaty of) in the years following 1720, supported the French against the English (see French and Indian War). After their failure in this war, the tribe concentrated on the waters of the Muskingum Valley in what is now Ohio (see Shawnee and Delaware Migration). They supported Pontiac's War in 1763, but remained neutral in Dunmore's War⁷⁶ in 1774 and during the American Revolution until 1781 (see Pittsburgh, Indian Treaty at, 1775). The British failure in this war led the Delawares to retire to the valley of the Maumee and upper Wabash where

they were living when they joined the confederacy against the United States in the years from 1790 to 1795 (see Harmar's Expedition; St. Clair's Defeat; Fallen Timbers, Battle of). After this final failure, sections of the tribe split off, going, some to Missouri and Arkansas, some to Texas and others to Canada. At present, the main body has incorporated with the Cherokee⁷⁷ in Oklahoma. Their number is estimated at about 2000.

[F. W. Hodge, ed., *Handbook of American Indians*.]

RANDOLPH C. DOWNES

Delaware, Washington Crossing the. Generally recognized as the "turning-point of the Revolution," this exploit of Washington checked the British advance and restored the American morale, then in danger of collapse. Under his command, about three in the afternoon of Christmas Day, 1776, some 2400 men and 18 field pieces set out from a position west of the Delaware River above Trenton to surprise the British, chiefly Hessians, in their quarters between Trenton and New York. The weather was terrible, the river covered with floating ice, the supporting columns failed or refused to make the crossing. Between three and four o'clock the next morning Washington's command made its way across the river, marched to Trenton⁷⁸, surprised the Hessian garrison, killed some, including the Hessian commander, Rall, took 946 prisoners, 1200 muskets, 6 cannon and the regimental colors. Having accomplished this daring raid, the American troops recrossed the Delaware, with half of their number disabled by the cold. The Hessian commander, Donop, hearing of the defeat of his fellow officer, Rall, hastily retired to Princeton, leaving his stores, sick and wounded to be captured by Cadwallader, who, hearing of Washington's exploit on Dec. 27, crossed into New Jersey. On Dec. 29 Washington again crossed the Delaware, advanced to Trenton, and, attacked there by the British under Cornwallis, marched to Princeton, hoping to capture the British supplies at Brunswick. There ensued the battle of Princeton⁷⁹, in which the British lost some 200 men killed and more than that taken prisoner. Thence Washington retired to Somerset Courthouse, thence to Morristown⁸⁰, and meanwhile in various skirmishes at Springfield, Hackensack and Elizabethtown, the Americans were successful. Washington established his headquarters at Morristown, and for the moment the American cause was saved.

This was the most daring exploit of the Revolutionary War and not merely saved the American cause from collapse but raised the reputation

and influence of Washington to a point where he could, at last, be free to carry out his plans with a minimum of hindrance from his rivals and the authorities. More than sixty years after this great campaign, a German-born American painter, Emanuel Leutze, in his studio at Dusseldorf, began a series of heroic historical paintings, chiefly dealing with American history. Among them his "Washington Crossing the Delaware" is the most famous and most popular. However stirring the conception, the execution has seemed to many critics absurd. The pose of Washington in the prow of a rowboat under such circumstances as those of the real crossing, is patently ridiculous. The flag is an obvious anachronism; the river covered with ice is the Rhine, not the Delaware. None the less the picture has become a symbol of Washington's great exploit, and is perhaps the best known of Leutze's works and the most popular conception of the crossing.

[George Bancroft, *History of the United States*; Edward Channing, *History of the United States*.]

WILBUR C. ABBOTT

Delaware and Hudson Canal. Projected by the Wurts Brothers to carry anthracite^{er} from their Lackawanna coal field to New York City, it was built, 1825-28, from Honesdale, Pa., to the Hudson River at Kingston, N. Y. The canal was enormously profitable for a number of years, but in 1899-1900 it ceased operation.

[Alvin F. Harlow, *Old Towpaths*.]

ALVIN F. HARLOW

Delaware and Raritan Canal, THE. The idea of connecting New York and Philadelphia directly by water was discussed before 1800, but no action was achieved until 1830, when the Delaware and Raritan Canal Company was organized; but the Camden and Amboy Railroad, a parallel competitor, was chartered on the same day, and very soon made a deal with the canal company by which the two became essentially one. The canal, extending from the Raritan River estuary to tidewater on the Delaware, was opened in 1834 and was of enormous importance to commerce; but in 1871 it passed completely under the dominance of the Pennsylvania Railroad^{er}. By 1930 its traffic had almost entirely ceased.

[Alvin F. Harlow, *Old Towpaths*.]

ALVIN F. HARLOW

Delaware Bay may have been explored by the Spaniards, but it is known that Henry Hudson discovered it on Aug. 28, 1609, five days before exploring the river named for him. The South

Bay and River, as the Dutch called them in contrast to the North River or Hudson, were visited by a number of Dutch navigators, among whom was Capt. Cornelis Jacobsen Mey, in 1614, for whom Cape May is named. These were followed in 1631 by an expedition, under the direction of David P. DeVries, which established the colony of Zwaanendael^{er} near present Lewes, Del. During 1632-33 he visited Godyn's Bay, as it was called in honor of one of the patroons of the colony, and in reporting mentioned that the English called it "My Lord Delaware's Bay."

Sir Thomas West, Lord de la Warre, the first governor of Virginia, probably never saw the bay and river that bears his name. They were named for him by Capt. Samuel Argall, who arrived at the bay in the *Discovery* on Aug. 27, 1610. The first record of his using his Lordship's name for this body of water is in a letter dated June, 1613, when he referred to "De La Warre Bay."

[Francis Burke Brandt, *The Majestic Delaware*; J. Thomas Scharf, *History of Delaware*.]

LEON DEVALINGER, JR.

Delaware Circle, THE, constitutes the northern boundary of the State of Delaware. It was first mentioned in the royal grant from Charles II to his brother, James, Duke of York^{er}, in March, 1682, when the town of New Castle^{er} and all the land within twelve miles was granted. In order to define the boundaries of Chester and New Castle counties, both of the province of Pennsylvania, Isaac Taylor and Thomas Pierson in 1701 surveyed a line with a twelve-mile radius from New Castle. In 1765 Mason and Dixon surveyed their lines tangent to the Circle.

[*Report on the Resurvey of the Maryland-Pennsylvania Boundary, Part of the Mason and Dixon Line*, compiled by Capt. W. C. Hodgkins and Prof. Edward B. Mathews, published by State of Pennsylvania, Harrisburg, 1909.]

LEON DEVALINGER, JR.

Delaware Counties: The Act of Union with the Province of Pennsylvania was passed Dec. 7, 1682, in answer to a petition presented by eighteen freemen from the counties of New Castle, St. Jones and Whorekill, alias Deale, asking that the Three Lower Counties or Territories ". . . may be favoured with an act of union . . ." with the Province of Pennsylvania so that they may have the same rights as those in the province. (See also Lower Counties-on-Delaware.)

[Samuel Hazard, *Annals of Pennsylvania, 1609-1682*; Walter A. Powell, *A History of Delaware*.]

LEON DEVALINGER, JR.

Delegation of Powers. Legislative bodies and other organs of government may be grouped in two classes: 1, those having original powers of

jurisdiction; 2, those created or endowed with power by authorities or organs of the first or original type. Thus the sovereign people of the United States have given original powers to the National Government and also to the governments of the various states. On the other hand, the National Government has created through delegation of powers such subordinate authorities as the government of the District of Columbia or of the territories of Alaska or Hawaii, also of such outlying possessions as Puerto Rico, the Virgin Islands and the Panama Canal Zone⁹⁹. Furthermore, the state governments have created municipal corporations or other local governmental bodies and delegated to them subordinate powers, including those of lawmaking by means of ordinance, of administration of an executive authority, and of legal adjudication through inferior courts.

During recent years a large number of administrative bureaus, boards and commissions have been created, and there is a growing tendency toward a rapid increase of such services in the National Government (*see* Bureaucracy). They are independent of the executive departments, whose heads are members of the President's cabinet, and have been described as "floating islands of independent power in a sea of governmental administration." Among those more recently added are such agencies, under the so-called New Deal, as the Agricultural Adjustment Administration, the Securities Exchange Commission, and the National Labor Relations Board⁹⁹. They are created by Congress and their duties are partly executive and partly judicial (*see* Quasi-Judicial Agencies). They are appointed by the President, subject to confirmation by the Senate and are supposed to be independent of all executive control except when guilty of such misbehavior that their removal is justified. They are subject to the jurisdiction of the Federal courts, and are a significant attempt of great contemporary importance to increase the use of "experts" in administration without interference on the part of any other department of government.

[E. S. Corwin, *The Constitution and What It Means Today*.]

WILLIAM STARR MYERS

DeLima v. Bidwell (1901) was the first of the famous Insular Cases⁹⁹ following the Spanish-American War. The protectionists' claim that Puerto Rico⁹⁹ was a foreign country, and hence subject to the Dingley Tariff⁹⁹, was rejected by the Supreme Court, but Congress was permitted on other grounds the power to regulate the tariff relations of dependent states.

[J. H. Latané, *America as a World Power*.]

HARVEY WISH

Demarcation Line. In June, 1493, Pope Alexander VI issued a bull to Ferdinand and Isabella granting them all lands west and south of a line 100 leagues west of the Azores and Cape Verde Islands. On June 7, 1494, by the Treaty of Tordesillas⁹⁹ the demarcation line between Spain and Portugal was placed 370 leagues west of the Cape Verde Islands. This line, north by south, struck South America near the mouth of the Amazon River.

[R. B. Merriman, *The Rise of the Spanish Empire*, Vol. II.]

WILLIAM SPENCE ROBERTSON

Demobilization is an administrative incident of the general military system to which it belongs. The haphazard and inefficient manner of raising armies and conducting war, characteristic of the colonies and the young republic, is reflected in contemporary methods and practices of demobilization ranging from the callous dismissal of men without further regard for subsistence or welfare, in the Revolutionary War, to the complex and scientific methods of the World War.

Following the surrender of Cornwallis on Oct. 19, 1781, Washington marched his army to Newburgh, N. Y., where he established his headquarters. Formal military cessation of the war occurred on April 19, 1783, and Washington granted most of his soldiers furlough. They walked to their homes in groups of four or five, depending on their own resourcefulness for subsistence. The furloughs granted were equivalent to full discharge, because on Nov. 3, 1783, the army was formally disbanded. On Dec. 23, 1783, Washington at Annapolis gave up his command of the army to return to private life. Gen. Knox retained in service one regiment of infantry and two battalions of field artillery for defense of the Highlands.

During the War of 1812⁹⁹ the United States employed successively 528,000 men, but the greatest number on any field of battle was a little over 1% of those called out. The enlistment period was variable, viz: 465,000 were enlisted for a period of twelve months or less, 400,000 for six months or less, and 150,000 for less than one month. Formal demobilization under such a military policy was not practicable. When a man's term of enlistment was up he left, sometimes before reaching the battlefield. The utter confusion of such a system is shown by the notorious incident when the governor of Vermont, who was opposed to the war, issued a proclamation directing the Vermont militia to disband and return to their homes; these troops were at the time enrolled in the service of the United States and badly needed.

On Aug. 23, 1842, nine days after official announcement of cessation of hostilities in the Seminole War⁷⁷, an act of Congress reduced the army from 12,539 officers and men to 8613. However, no regiments were disbanded; the companies in the different arms of service were each reduced in strength, thus covering the reduction proportionately.

The first demobilization in the Mexican War⁷⁸ was a direct result of faulty legislation. Following the battle of Cerro Gordo⁷⁹, Gen. Scott lost half of his command because they had only been enlisted for one year and were due for discharge; they could not be induced to remain. Scott was compelled to send over 4000 troops home on May 4, 1847; this necessitated awaiting replacements. Following cessation of hostilities and after the Treaty of Guadalupe Hidalgo⁸⁰ had been ratified and declared in effect, all troops were returned to the United States and the volunteer and temporary regular regiments were discharged.

After the conclusion of the Civil War⁸¹ demobilization was a slow process. The volunteers were mustered out as soon as possible, but the regular troops were scattered throughout the South to maintain order and later to aid in Reconstruction⁸². Two years after Appomattox⁸³ the regular force was still 53,692. In 1869 it was reduced to 34,000; in 1870 to 30,000 and, finally, in 1874, to 25,000, where it remained until the war with Spain.

On March 19, 1899, the provisions of the acts of April 22 and 26, 1898, which required that at the end of the Spanish-American War⁸⁴ all volunteers be discharged and the regular army be reduced to peace strength, were put into effect. This necessitated discharging 110,000 volunteers, 34,834 regulars and substantially all of 5216 volunteer officers. This task required most of one year's labor, consisting of transportation, mustering out forces, and examination and accounting incident thereto.

The volunteer force raised under provisions of the act of March 2, 1899, was to continue in service in the Philippines⁸⁵ not later than July 1, 1901. This force was brought back between June 1 and June 30, 1901, and mustered out in San Francisco. Full descriptive lists and medical examinations were secured to aid in future applications for pensions⁸⁶. The muster out was quiet, orderly and without incident. Ninety-seven per cent of the men proceeded to their homes without delay.

Upon the signing of the Armistice⁸⁷ terminating the World War⁸⁸, Nov. 11, 1918, it was necessary to throw into reverse the machinery for

getting troops to France (see Mobilization). The general plan was to transfer all men prior to discharge to a demobilization camp which was nearest their homes; the purpose of this provision was to return men to the community from which they came in order that they might resume their original place in the economic structure. Thirty-three camps were used as demobilization centers in the United States for this purpose. When the war ended the United States had 3,757,624 men under arms, 2,086,000 of these in France. The problem of discharging those still in the United States was not great as compared with those in France, and proceeded very quickly following the Armistice. The 2,086,000 men in France created the greater problem, as all these men had to be brought back without the aid of foreign transport used to take them to the war zone. One week after the Armistice, plans were put into effect to carry out this tremendous task. Three embarkation ports were established, one at Brest, another at St. Nazaire and one at Bordeaux. Brest became the largest embarkation port the world has ever seen and handled three fifths of the returning troops. Le Mans was chosen as an embarkation center and here troops were prepared for distribution to embarkation ports. Men were there deloused, bathed, issued new clothing, paid, and their service records checked so as to avoid difficulty of final pay and discharge in the United States. The embarkation for the return trip of the A. E. F. started in the middle of December, 1918. At the peak 174 vessels with trip capacity of 419,000 passengers were in use. The average round-trip time was cut from thirty-six days before the Armistice to 32.6 days. In August, 1919, the last of the A. E. F. sailed from Brest, including Gen. Pershing and the historic 1st Division. As troops arrived from France they were sent to the demobilization camp nearest their homes, where they were discharged with final pay and a railroad ticket to their homes. An effort was made to secure each man a job in the economic world, and in most cases this was accomplished.

[John Fiske, *Critical Period of American History*; Emory Upton, *Military Policy of the United States*; P. S. Bond, *Wars of the American Nation*; O. L. Spaulding, *U. S. Army in War and Peace*; W. J. Abbott, *Story of Our Army*, B. Crowell and R. F. Wilson, *Demobilization*; Report of Secretary of War, War Dept., Annual Report, 1919, Vol. 1, Part 1.]

C. A. WILLOUGHBY

Democracy. We may consider democracy from three standpoints, social, economic and political. The original English immigrants had brought with them the prevalent ideas of the England which they had left. That country, although at

the time the freest in the world, cannot be considered to have been democratic.

In so far as conditions allowed, the English ideas were planted on the narrow strip of a few hundred miles between the seaboard and the mountains. Socially we had the terms "gent." and "goodman and goodwife," marking almost impassable social barriers. In New England there was the aristocracy of birth, wealth and the ministers, which became in the early days of the Republic, the Federalist "wise, rich and good"⁹⁷ who alone should rule. In the South arose the planter aristocracy, which by intermarriage, engrossing of lands, and close connection with the royal governors, established itself as a ruling class.

Economic democracy advanced somewhat owing to frontier conditions, free land and scarcity of labor among a population 90% agricultural, but social aristocracy barred the way to the full fruit of such economic democracy as was achieved. Owing to the Northern town and Southern parish forms of government, the popularly elected colonial assemblies⁹⁸, and the smallness of the population and problems, political democracy also made progress, but the franchise⁹⁹ in all the colonies was extremely limited, and democracy was both frowned upon and feared. The celebrated "Mayflower Compact"¹⁰⁰ was not an effort to establish democratic government but to meet a social emergency in an unexpected crisis. As for the leaders of early Massachusetts, their opinions are on record. "Democracy," wrote John Winthrop, is "Amongst civil nations, accounted the meanest and worst form of government." John Cotton wrote that "I do not conceive that God did ever ordeyne [it] as a fit government eyther for church or commonwealth."

Had the war with England not occurred and had trans-Appalachia, the great Mississippi Valley, not become open to settlement, it is not unlikely that the thirteen colonies would have continued to develop as provincial copies of Georgian England. But even in them, the free land and the absence of many of the old established ways and institutions of England had bred a new spirit, and there was much opposition among the poor, and what are now called "underprivileged," to the rich. When the war with England came, the help of these classes had to be enlisted by the promulgation of a democratic and revolutionary philosophy. When the war was won, the people did not forget; and the American portion of the Mississippi Valley, soon to be extended to the Rockies by the Louisiana Purchase¹⁰¹, was open to settlement.

It is impossible to overrate the influence of

Jefferson (*see* Jeffersonian Democracy) on the democratic movement, whether we consider his phrases in the Declaration of Independence, his campaign of 1800¹⁰², or his purchase of the vast territory called "Louisiana" from France. In his political party he first made the combination, which though always called illogical, has continued, uneasily, ever since, of the farmer and city worker against the "interests."

In the earlier seaboard strip of colonies and states, the frontier¹⁰³ "West" of each, and the ordinary people, had been subordinated to the carefully devised political machines of the cities and richer counties, but when Americans spilled over the mountains and built up states where everything was new, the former dominance could not be maintained. The election of Jackson in 1828 (*see* Campaign of 1828) marked dramatically the passing of the old era, and the rise to power of the democracy of the West which joined hands with the discontented elements of the East (*see* Jacksonian Democracy). The franchise had steadily progressed toward universal manhood suffrage, and one of the most notable changes in the Constitution had been made without amendment. So great had been the fear of the people felt by the conservatives when that instrument had been drawn up that the election of a President had been kept as remote from their influence as possible by the complicated method of the Electoral College¹⁰⁴, but the people had got the election into their own hands.

During the 19th century, as the West steadily expanded, and more and more new states came into the Union, the democratic influence continually grew. Yet the Government largely remained, what perhaps it had wisely been intended to be, a representative one. The vast distances to be traveled, and the lack and slowness of means of communication, seemed to preclude a democracy of the old Greek city type. In the latter part of that century, however, and even more in the present one, vast changes have occurred which have facilitated the growth of a pure democracy. Railroads, the telegraph and telephone, the moving picture, airplane and, above all, the radio¹⁰⁵, have brought Washington and the rest of the country into immediate and instantaneous connection, and have practically made a town meeting of the United States when any question has aroused the interest of the people.

In the early part of this century, many democratic experiments, such as the initiative, the referendum, the recall, direct primary, secret ballot, popular election of senators¹⁰⁶, and others were made, though some of these have proved too cumbersome for general use in practice. Never-

theless, the United States has today become the greatest pure democracy in the world, both in population and in the means provided for citizens to make their voices heard immediately on public questions.

Social democracy has also advanced farther than in any other nation, except perhaps some of the Dominions of the British Empire. The absence of titles, of great hereditary landed estates, and the influence of successive frontiers have all aided to this end. In addition, there have been the uncertainty of American fortunes, the laws against entail, our traditional "three generations from shirt sleeves to shirt sleeves," and the mobility of our life. A family which lives for many generations in the same small place acquires a power and prestige which fail entirely a family which lives in a half-dozen towns or cities in one generation. In our restless American existence the prestige of "background" tends to disappear, and individuals have largely to be taken for what they are. As in political democracy, the modern means of transport have helped to create social democracy, in spite of a certain amount of snobbishness, and class distinction based on genuine social incompatibility, yet remaining. On the other hand, owing to the use of Negro slaves and alien immigrants for much of our manual labor, a type of class distinction, combining social and racial elements, has been present in America which is largely lacking in countries in which work of all kinds has been performed by the same nationals. However, the restriction of immigration⁹⁷, the Americanization of most foreign groups and the universal opportunity afforded for education⁹⁸ in all grades, may rapidly make for democratization in this respect—except for the color line.

Economic democracy, in the sense of a wide diffusion of wealth and a general high standard of living, made spectacular progress in the United States as compared with other countries during the past hundred years, although, partly due to the seeming lack of necessity, we were behind other nations in social legislation. The long depression of the Hoover-Roosevelt administrations, however, saw the inauguration of many measures looking to this end, which though perhaps unwisely conceived, mark a change from the period in which private charity was considered the solution for unemployment⁹⁹ and other ills, to that in which the responsibility is to be assumed by the state. The passing of the frontier and old West, together with the change from an agricultural to a highly industrialized nation, may portend serious modifications of the democratic process.

JAMES TRUSLOW ADAMS

Democracy, Jacksonian. See Jacksonian Democracy.

Democracy, Jeffersonian. See Jeffersonian Democracy.

Democracy, World Safe for. This slogan was taken from President Wilson's message to Congress, April 2, 1917, asking for war. Among the war aims he declared, "The world must be made safe for democracy Its peace must be planted upon the tested foundations of political liberty."

[*Selected Literary and Political Papers and Addresses of Woodrow Wilson.*]

THEODORE M. WHITFIELD

Democratic Clubs. See Jacobin Clubs.

Democratic Party. The origin of the present Democratic party goes back to the early years under the Constitution, when Thomas Jefferson organized into a coherent party the various elements of opposition to the foreign and domestic policies of the dominant Federalist party¹⁰⁰. These Jeffersonian Republicans¹⁰¹ came in part from the small tradesmen and mechanics in towns along the coast, but mainly from the sparsely settled and frontier regions, especially in the South and West, where agriculture rather than trade was the dominant economic interest. Originally, the party advocated a strict, or narrow, interpretation of the powers of the National Government in the interest of states' rights¹⁰² and individual liberty. Since the Louisiana Purchase¹⁰³, however, Republicans (Democrats), whenever in power, have shown little hesitation in acting upon the more liberal constitutional doctrines of their opponents, whether Federalists, Whigs or present-day Republicans¹⁰⁴.

Following the election of Jefferson in 1800 (see Campaign of 1800), the Republicans remained almost continuously in power for the next sixty years (see Jeffersonian Democracy). Between 1816 and 1832, indeed, all voters seemed to be merged in the party of Jefferson. In this transitional period, however, hostile factions developed around half a dozen outstanding personalities—John Quincy Adams, Henry Clay, Andrew Jackson, William H. Crawford, John C. Calhoun and DeWitt Clinton—all claiming to be followers of Jefferson and true exponents of Republican principles. By 1824 the followers of Adams and Clay, who favored enlarging the activities of the National Government, had coalesced under the name of *National Republicans*, a name they soon changed to Whigs¹⁰⁵. The success of this combination led the opposing groups to amalgamate under Andrew Jackson and take

the distinctive name of *Democratic Republicans*. With the name soon abbreviated to Democratic, this party became the immediate ancestor of the present Democratic party. Successful in elevating its leader to the Presidency in 1828 (see Jacksonian Democracy), the Democratic party, except for two short intervals, remained in control of the National Government until the end of Buchanan's administration in 1861. This long lease of power is to be explained largely by the party's homogeneity, superior organization and the skill of its leaders in harmonizing internal differences, especially those growing out of the slavery controversy. For the greater part, however, Democratic policies in this long period consisted chiefly of negations—opposition to a national bank, to a protective tariff, and to a general system of internal improvements by the National Government⁹⁹. Following the Mexican War, the party became increasingly divided over the proper course for the National Government to pursue in dealing with slavery in the territories⁹⁹. The repeal of the Missouri Compromise in 1854 and the Dred Scott decision⁹⁹ in 1857 led to the nomination of two Democratic presidential tickets in 1860, thus enabling the new Republican party to win its first national victory. During the Civil War, most Northern Democrats loyally supported the Lincoln administration, and were known as the "War Democrats."⁹⁹ Others, some of whom publicly opposed the war, came to be called "Copperheads."⁹⁹ Out of the mistakes, follies and corruption of "carpet-bag" Reconstruction days, emerged the "Solid South,"⁹⁹⁹⁹ which has remained the most dependable source of Democratic strength to the present day. The support of other sections has, however, been indispensable to national party success, notably, the agricultural areas of the West and the metropolitan districts of Boston, New York and Chicago. The absence of party unity during most of the time since the Civil War justified a Democratic senator in saying that there is no national Democratic party: only a Southern, a Western and an Eastern Democratic party. The party has, nevertheless, been able to carry six presidential elections and, more frequently, has been able to control one or both branches of Congress.

With the disappearance (1876–84) of old issues connected with the Civil War and Reconstruction, new issues primarily of an economic nature have been forced to the front. Upon few of them, however, has any distinctive party attitude developed. At various times, the party has advocated lowering the tariff, free coinage of silver, anti-imperialism, a reorganized banking

system, amendment to the antitrust laws, and joining the League of Nations and the World Court⁹⁹. For the most part, the party has unitedly supported the New Deal⁹⁹ measures that began in 1933. Since 1936, however, growing intra-party cleavages—liberal-conservative, agricultural-industrial, East-West—have appeared. Although traditionally the party of strict constitutional construction, states' rights and economy in government, the Democratic party, since 1932, has enormously expanded the activities of the National Government, and has increased taxation and the national debt⁹⁹ beyond all peacetime records. Partly as a result, Democratic support in recent elections has come less from industry and business, and more from agriculture, labor and middle classes generally.

[C. A. Beard, *Economic Origins of Jeffersonian Democracy*; A. N. Holcombe, *The Political Parties of Today*, and *The New Party Politics*; H. R. Bruce, *American Parties and Politics*, 3rd ed; A. C. McLaughlin and A. B. Hart, *Cyclopedia of American Government*, I, 565-581.]

P. ORMAN RAY

Demologos, THE (also called the *Fulton*), was Robert Fulton's steam warship for harbor defense. It had rounded ends, a single paddle wheel in a central, covered well, and thirty 32-pounders protected by four feet, ten inches of wood. The *Demologos* cruised in New York harbor in 1815, but it never fought, and lay at the navy yard till it blew up in 1829.

[H. W. Dickinson, *Robert Fulton: Engineer and Artist*.]

WALTER B. NORRIS

Demonetization. See Silver.

Denonville, Fort (1687). This palisaded wooden fortress, erected by order of Gov. Denonville, on the east side of the Niagara River at Lake Ontario, was designed to protect the French trade. The garrison, depleted by starvation during the winter, was relieved in the spring of 1688 and in September the post was abandoned.

[Frank H. Severance, *An Old Frontier of France*.]

ROBERT W. BINGHAM

Denonville's Invasion (1687). Determined to subdue the Iroquois⁹⁹, whose intrigues with the English menaced the French trade, the Marquis de Denonville summoned Tonti, Duluth⁹⁹ and Durantaye to organize the French forces, including Indian allies in the Illinois country⁹⁹, and proceed to a rendezvous at Irondequoit Bay. The main army under Denonville embarked at Montreal, arriving at Irondequoit Bay where the western forces soon joined them.

Leaving a detachment to guard the fortified

base, Denonville with 1600 French and Indians advanced against the Senecas^m, July 12. On the second day of the march, while approaching a village reported deserted, the army was ambushed and, before the Senecas withdrew, lost 100 soldiers and 10 Indians. The following day, Denonville ordered an advance against the village but the Senecas had burned it during their retreat. The French destroyed three other villages and surrounding fields before they returned to Irondequoit Bay. This part of the expedition was a failure, having little effect beyond the burning of the villages and fields, but on July 26, after destroying the base at Irondequoit Bay, the French army moved up Lake Ontario to the mouth of the Niagara River and there constructed Fort Denonville^m.

[E. B. O'Callaghan, *The Documentary History of the State of New York*, Vol. I.]

ROBERT W. BINGHAM

Dentistry was first practised in this country by barber-surgeons, physicians, goldsmiths, instrument makers, turners and wigmakers. Professional dentists, mostly trained in England or France, appeared after 1765. The first native-born professional was Josiah Flagg. He claimed ability to make children's teeth grow properly. John Greenwood, who practised in New York City, invented a foot-drill and plate-springs. At least sixty-five dentists were practising in 1800, many, especially the itinerants, being impostors. The first American book on dentistry was R. C. Skinner's *Treatise on Human Teeth* (1801). S. S. Fitch wrote the first complete dental text in English (*A System of Dental Surgery*, 1829). Emphasis upon extraction and transplanted and artificial teeth declined after Edward Hudson, practising in Philadelphia 1810-33, showed the possibility of saving teeth. Dentistry was made a profession by Horace H. Hayden and Chapin A. Harris, who founded the American Society of Dental Surgeons, the *American Journal of Dental Science*, and the Baltimore College of Dental Surgery (1840). Many other dental societies, journals and schools sprang up. The present national organization, the American Dental Association, dates from 1859. The *Dental News Letter*, forerunner of the *Dental Cosmos*, began in 1847. The chief technical advances of this period were: gold plates (1784) with porcelain teeth (1817), amalgam (1833) and foil (1855) fillings, anesthesia (1844), and suction plates (1848). Many early inventions had little value until perfected by scientific study after 1860.

Anesthesia^m was first made practicable in 1863; local anesthesia in 1884. Bridges replaced pivot teeth after 1869. Vulcanite (1859) and celluloid

(1871) plates gradually became common. In the 1870's electrical devices facilitated operative dentistry. The "new departure" of J. F. Flagg (1877) emphasized the use of gutta-percha fillings to prevent decay. G. V. Black applied science to cavity preparation and amalgam fillings, and as professor and dean of the Northwestern University Dental School promoted training in dental technique. Due largely to J. E. Garretson (1869) and N. W. Kingsley (1880) oral surgery and orthodontia became recognized specialties. More recent innovations include x-rays (first used in 1896, but not common until the 1920's) and novocain (introduced from Germany in 1910).

Licensing laws, higher educational standards for admission to dental schools and professional organizations have elevated the standards of the profession. American dentistry is recognized throughout the world for its technical excellence and achievements.

[C. R. E. Koch, *History of Dental Surgery; Dental Cosmos*, January, 1934.]

W. C. MALLALIEU

Denver was founded by goldseekers in the fall of 1858 (*see* Pikes Peak Gold Rush). Discoveries in Cherry Creek, at the mouth of which Denver was situated, were meager, but lodes and placers in the mountains made Denver a chief outfitting depot. The Civil War, an Indian uprising, and refractory ores retarded growth in the 1860's. Some saw doom for the city when the first transcontinental railroad (*see* Union Pacific Railroad) passed to the north, but vigorous local leaders built a connecting branch line. Thereupon the city grew. It became the territorial capital in 1867 (*see* Jefferson Territory; Colorado). Her population of 5000 in 1870 increased to 35,629 in 1880, and to 106,713 in 1890. The great camps of Leadville^m and Aspen poured in their silver during the 1880's. Bonanza kings^m invested in Denver real estate. Railroads multiplied, near-by agriculture flourished, some manufacturing developed. When the population of 133,859 in 1900 increased to 213,381 in 1910, Denver became the largest city in a 600-mile radius.

[J. C. Smiley, *History of Denver*.]

LEROY R. HAFEN

Denver, The Juvenile Court of. *See* Juvenile Courts.

Denver and Rio Grande Railway, THE, was incorporated by Gen. William I. Palmer and his associates in 1870, for the purpose of building a north and south railroad from Denver, via El Paso, Tex., to Mexico City, with branches to the mining districts of Colorado and New Mexico.

Construction began in 1871, went forward slowly until 1880 when the conflict with the Atchison, Topeka and Santa Fé[™], and the Leadville boom, diverted it from Mexico to Utah and the Pacific. Originally a narrow-gauge road, it became famous for its lines through the beautiful cañons of the Rocky Mountains. While expanding rapidly during the 1880's and contributing largely to the development of Colorado, it became both victim and beneficiary of the promotional activities of Jay Gould. The original promoters of the road alienated control of it in 1904, and in 1911 it became a link in a transcontinental system through merger with the Rio Grande Western and the Western Pacific. At the present time the lines are operated by the Missouri Pacific[™] system. (See also Moffat Tunnel.)

[G. L. Anderson, *Gen. William J. Palmer, A Decade of Colorado Railroad Building, 1870-1880.*]

GEORGE L. ANDERSON

Department Stores. The definition of department stores given by the United States Bureau of the Census limits its application to establishments having annual sales in excess of \$100,000. The chief difference between a department store and a general merchandise store is in the departmentized operations, including buying, selling, advertising and accounting, characteristic of department stores.

Modern department stores originated in France. Probably the first was the Bon Marché in Paris, established in 1852. The Louvre, Printemps and Samaritaine, also of Paris, followed shortly thereafter. Department stores made their appearance almost simultaneously in various parts of the United States in the late 1860's and during the 1870's. Perhaps the first store of this type in this country was A. T. Stewart's of New York when moved to its then new building on the corner of 8th Street and Broadway in 1862. More recently department stores have made their appearance in practically all large cities in the world.

There were, according to the United States Bureau of the Census, 4204 department stores doing a total annual volume of \$3,104,671,000 in 1935, amounting to 8% of the entire retail trade for that year in this country. The variety of goods handled in department stores is such as almost to insure a rise and fall in sales corresponding to the rise and fall in general retail sales. Any marked change in general retail sales is almost certain to be reflected in department store sales.

[P. H. Nystrom, *Retail Store Operation*; D. de Schweinitz, *Occupations in Retail Stores*; E. A. Filene, et al., *Next Steps Forward in Retailing.*]

PAUL H. NYSTROM

Deportation refers to the expulsion of aliens from a country. Originally a matter of executive prerogative, this power has become a legislative grant. Only since the antiradical crusade (see Radicals) after the World War has the United States resorted to deportation as a general policy. Aliens may be deported within three years for entry without inspection, and within five years for entering the country illegally, becoming public charges, or conviction of a crime involving moral turpitude. There is no time limit for violators of the quota[™] laws, anarchists, persons holding or advocating the overthrow of the Government by violence, those connected with prostitution, or persons convicted of crime before or after entry. Since 1929 expulsion has meant permanent banishment.

There were 995 deportations in the year ending June 30, 1907, and 16,631 in 1930. From 1921-25, 26,427 persons were deported, while from 1926-30 the number was 64,123, and 1930-34, 82,943. There has been a slight recent decline.

[Jane P. Clark, *Deportation of Aliens from the U. S. to Europe*, William C. Van Vleck, *The Administrative Control of Aliens.*]

DONALD G. BISHOP

Deposit, Fort, was established in Alabama on the Tennessee River, Oct. 23, 1813, by Andrew Jackson as a base for his operations among the Creeks (see Horseshoe Bend, Battle of).

[Henry Adams, *History of the United States of America*, Vol. III.]

JAMES RIPLEY JACOBS

Deposit, Right of. By Art. IV of Pinckney's Treaty[™] (1795) Spain recognized the claim of the United States to the free navigation of the Mississippi River from its headwaters to its mouth. To facilitate the exercise of this right, Art. XXII of this treaty gave the citizens of the United States the right or privilege of depositing and re-exporting their property duty free at New Orleans for a term of three years, with the stipulation that at the end of this period Spain should either continue this permission or assign an equivalent establishment at another place on the banks of the Mississippi. First formally opened in April, 1798, the New Orleans deposit was extensively and uninterruptedly used until the intendant of Louisiana, acting under secret instructions from Spain, closed it by a decree of Oct. 16, 1802, without designating the equivalent establishment required by the treaty. Under threat of war, Spain reopened the deposit at New Orleans, May 17, 1803. It remained open until the United States took pos-

session of New Orleans in December, 1803, by virtue of the Louisiana Purchase[™].

[A. P. Whitaker, *The Mississippi Question*.]

A. P. WHITAKER

Depression of 1920. Prosperity prevailed in the early part of 1920, as an aftermath of the World War. However, rumors of a buyers' strike spread gradually. After reaching a peak in May, commodity prices[™] declined rapidly and gave rise to unprecedented cancellation of orders. Money was extremely tight, though the stringency did not become acute until autumn. A noticeable flight of gold from the country caused a marked advance in money rates, and the end of the year saw a 30% decline in industrial stocks. Depression continued throughout 1921, characterized by inactive industries, business failures forced by the fall of commodity prices, and a severe decline in foreign trade.

[Willard L. Thorp, *Business Annals*.]

FRANK PARKER

Depressions. See Panics.

Derna Expedition, THE. In the last years of the War with Tripoli[™] (1805), William Eaton, formerly American consul at Tunis, in an effort to dethrone the Bey of Tripoli and replace him with his brother Hamet, organized at Alexandria an expedition of some 600 men, which he led across 500 miles of desert, and captured Derna by assault. Before they were ready to march on the city of Tripoli news arrived of the signing of a premature peace, which rendered Eaton's expedition fruitless when its complete success was practically assured, with honorable terms of peace for the United States.

[Gardner W. Allen, *Our Navy and the Barbary Corsairs*; Francis Rennell Rodd, *General William Eaton, the Failure of an Idea*.]

CHARLES LEE LEWIS

DeRussy, Fort (La.). See Red River Campaign.

Deseret, State of (taken from *Book of Mormon*[™], meaning "land of the honey-bee"), was a provisional or temporary government formed by the Mormons[™]. It included the immense area of land in Upper California acquired in the Mexican War[™] east of the Sierra Nevada Mountains and west of the Rocky Mountains. At a convention on March 4, 1849, a constitution was drafted and Salt Lake City[™] made the capital. The government was divided as in other states, counties were created, and local government established. On March 12, Brigham Young was chosen governor and a full corps of state officers

elected. Almon W. Babbitt was elected delegate to present a memorial to Congress to admit Deseret. Congress, after voting unfavorably on the bill, created the Territory of Utah[™] in 1850. The Mormons, however, accepted the territory as a temporary measure. A shadow of the Deseret government was preserved and admission sought until 1883.

[H. H. Bancroft, *History of Utah*.]

EFFIE MONA MACK

Desert, Great American. Many of the atlases and school geographies published between 1820 and 1850 contained maps on which, across the region eastward of the Rocky Mountains, were printed the words "Great American Desert." Down to the Civil War, therefore, and even afterwards, large numbers of Americans were firmly convinced that the region in question, if not a veritable Sahara, was uninhabitable by the white race.

This myth of a Great American Desert originated in the reports of explorers and other early travelers. After his southwestern expedition of 1806-7 Zebulon M. Pike[™] wrote of great desert-like prairies incapable of supporting any considerable white population and constituting a fortunate barrier to further expansion. "Our citizens . . . will," he said, "through necessity be constrained to limit their extent to the west to the borders of the Missouri and Mississippi, while they leave the prairies incapable of cultivation to the wandering and uncivilized aborigines of the country." Stephen H. Long[™], who explored the southern part of the region in 1820, described it as "uninhabitable by a people depending upon agriculture for their subsistence." He shared Pike's belief that the nation was benefited by having this providential limit to western settlement. Other later writers gave similar characterizations of the country.

Americans in general were therefore accustomed for years to think of the Missouri River and the western borders of what are now Arkansas and Louisiana as the western termination of settlements. Thus it was possible for the Government to formulate and carry out an Indian removal policy[™], and to remove Indian tribes from east of the Mississippi to the country between this line and the Rocky Mountains.

Even while the Indian removal policy was being inaugurated, however, the destruction of the myth of a Great American Desert was begun by the Sante Fé traders[™]. Then, during the 1840's, came the migrations to Oregon, the hegira of the Mormons to Utah, the California gold rush[™], and vast new territorial acquisitions ex-

tending to the Pacific. Not only was the reality of a real desert disproved, but there could no longer be any thought of a barrier separating the settlements from the possessions along the Pacific.

Early in the 1850's the Indian frontier policy (see Indian Country) was abandoned, and soon the process of carving out territories and states was begun. After the Civil War survivals of the idea of a Great American Desert still remained, but not with sufficient vitality to prevent the region once so designated from becoming the last American frontier.

[Dan E. Clark, *The West in American History*.]

DAN E. CLARK

Desert Land Act, THE, of 1877, was the second step taken by Congress to adjust the homestead unit of 160 acres to the requirements of farming in the semiarid West, the first being the Timber Culture Act of 1873. After 1877 it was possible for settlers to acquire a total of 1120 acres of public lands, 160 each under the Homestead, Pre-emption and Timber Culture acts^{qq}, and 640 acres under the Desert Land Act. The latter act was designed to permit settlers to acquire a tract of land large enough to be worth irrigating, and they were required to make certain improvements in the way of ditch construction before they were permitted to buy the 640 acres for \$800. (See also Carey Desert Land Grant Act.)

[John T. Ganoe, *The Desert Land Act in Operation, 1877-1891, Agricultural History*, April, 1937.]

PAUL WALLACE GATES

Desertion is a problem with which Washington as well as Lincoln and the leaders in all the American wars had to contend. In the Revolution and in the War of 1812 the difficulty was owing largely to dependence on state militia^q. In the midst of campaigns the intractable militia ran off by companies—almost by regiments—until the roads were “crowded with deserters.” There was desertion even in the midst of battle, officers encouraging the evil for the excuse of following the soldiers. Indians, with their facile shifting to the winning side, swelled the number during the War of 1812.

Perhaps the reason why the Mexican War was plagued relatively little by desertion was because volunteers were allowed to depart at expiration of their term of enlistment. The San Patricio Corps of artillerymen, composed of Irish deserters from the American Army, to whom the Mexican plea of religious prejudice and alluring promises of reward had made an appeal, were captured at

Churubusco^{qq} Convent and hung or branded. The records indicate some 6825 deserters, the volunteers accounting for almost half the number.

Desertion reached high water mark during the Civil War. Official reports record 100,000 from the Confederate ranks. Men left by scores, companies, even regiments, until the Carolina mountains, Florida swamps and Texas chaparral were full of deserters. Grant declared toward the end of the war that the South lost at least one regiment a day by desertion to the Union Army and to the wilds. While the actual numbers of deserters from the Union armies totaled twice that from the Confederate ranks, the reserve of manpower made the evil far less menacing to Northern success.

While the nature of the Spanish-American War, fighting in an island remote from the homeland, discouraged outright desertion, the character of the actual combat in Cuba, advance upon an unseen foe through a jungle too dense to permit close formation, put a premium upon desertion from battle at the same time that it afforded unlimited opportunity. The shorter duration of the war probably accounts for the relatively small number of desertions from the army—only 5285.

The number of desertions during the World War was 21,282.

[For desertion during the Revolution see Claude H. Van Tyne, *The War of Independence*; for the War of 1812, James Parton, *Life of General Jackson*, and Ralph D. Paine, *The Fight for a Free Sea*; for the Mexican War, Justin H. Smith, *The War with Mexico*; for the Civil War, Ella Lonn, *Desertion during the Civil War*; for the Spanish-American War, A Brief History of the Volunteer Organizations in the Service of the United States during the War with Spain, *Correspondence relating to the War with Spain*, Vol. I.]

ELLA LONN

DeSoto Expedition (1539-43). Hernando DeSoto, believing Florida another Peru, secured a royal grant for conquest. He was named governor of Cuba and *adelantado* of Florida, and many wealthy persons joined his expedition. Leaving the Spanish port of San Lucar (April 6, 1538), he inspected Cuba and, sailing from Havana, landed on Charlotte Bay, May 30, 1539. During the four-year search for a “golden city,” many of his 550 followers were killed or died from exposure and disease while wandering over Florida, Georgia, the Carolinas, Tennessee, Alabama, Mississippi, Arkansas, Oklahoma and Texas. The first winter was spent at Appalachees (near Tallahassee), Fla. In 1540 the Cherokee and Creek^{qq} country was visited, and, in October, the Spaniards came to Mauvila^q (Choctaw

Bluff) on the Alabama River where the fiercest engagement with the Indians occurred. (*See also* Cabusto, Chicaca; Alabamo.) Marching northward, the expedition discovered the Mississippi (Chickasaw Bluff⁹⁹, May, 1541). Crossing the river, the Osage and Kansas⁹⁹ tribes were encountered before turning back. While moving down the Arkansas River, DeSoto fell ill and died on May 21, 1542. Fearing the effect of the death on the natives, his followers sank his body in the Mississippi. The 320 survivors, under Luis de Moscoso, finally reached Panuco in Mexico on Sept. 20, 1543.

[E. G. Bourne, *Narratives of the Career of Hernando deSoto*.]
 ROSCOE R. HILL

Des Peres Village. This settlement, the earliest in Missouri, was begun by the Kaskaskia Indians in the fall of 1700 on the north bank of the Des Peres River at its mouth, a location within the present city limits of St. Louis⁹⁹. Hither came Frenchmen and Tamaroa Indians from across the Mississippi, here were Jesuit pastors and a fort; but the settlement broke up in the spring of 1703, the Kaskaskia moving thence to the Kaskaskia River in southern Illinois.

[G. J. Garraghan, *Chapters in Frontier History*.]
 GILBERT J. GARRAGHAN

Destination, Enemy, and Continuous Voyage, is a doctrine in international law which English judges evolved from the Rule of 1756⁹⁹ as a device to prevent neutral traders from frustrating the blockading operations of the British fleet in wartime. It was of prime importance in Anglo-American relations⁹⁹ during the Napoleonic Wars, the American Civil War and the World War. Evolution of American attitude has been from a position of disagreement to one of virtually complete acceptance of the British viewpoint, the transformation taking place during the Civil War.

The doctrine legalizes seizure of contraband⁹⁹ goods being carried by a neutral vessel from one neutral port to another *provided* the ultimate destination of the goods is enemy territory. As used in the Napoleonic Wars it applied to exports shipped via American ports from the West Indies to Britain's European enemies. The leading case is the *Essex*⁹⁹ (1805). After the Civil War the United States Supreme Court upheld the seizure by the Union Navy of contraband cargoes en route from England to neutral Caribbean ports, but intended for transshipment to the South (*see* Prize Cases). The leading cases are the *Bermuda*, the *Peterhoff* and the *Springbok*⁹⁹. Proof of enemy destination consist-

ed of incriminating papers found on the ship, consignment "to order" or assigns, or the consignment of a particular cargo, such as munitions, to a neutral port where no market existed. (*See also* Civil War and Freedom of the Seas.)

In the World War British courts advanced the doctrine by applying it to transshipments *by land* as well as by sea. The leading case is the *Kim*. The American Naval Instructions of June 30, 1917, endorsed this practice in full.

[Charles Cheney Hyde, *International Law Chiefly as Interpreted and Applied by the United States*.]

RICHARD W. VAN ALSTYNE

Destroyers. *See* Warships.

Detective Agencies. These institutions in addition to their familiar function of supplementing public authority in protection of banks, hotels, railroads, etc., or rendering service to individuals in various civil and criminal actions have acquired great notoriety in the course of labor controversies since the Civil War. Various agencies are retained by large corporations for the legitimate purpose of preventing theft of materials, damage to company property and injury to patrons. In addition to such services, however, they have been widely used to observe the activities of union⁹⁹ organizers, to discover potential trouble makers among employees, and to anticipate strikes⁹⁹. Their use has been defended on the ground that the American labor movement has been addicted to violence, that public peace officers are frequently ineffective, and that private aid is necessary for protection of life and property. Organized labor, on the other hand, has regarded them as instruments of terrorism and oppression used by employers because of their hatred of collective bargaining⁹⁹ *per se*. In time of strikes, agencies have supplied guards and strikebreakers, and bloody clashes have been of common occurrence.

[R. Hunter, *Violence in the Labor Movement*; A. Pinkerton, *Molly Maguires and the Detectives*; W. J. Burns, *The Masked War*; L. Adamic, *Dynamite—The Story of Class Violence in America*; E. Levinson, *I Break Strikes! The Technique of Pearl L. Bergoff*.]

W. A. ROBINSON

Detroit, Fort (1701-1825). Detroit was always a military center, and few places in America have undergone greater vicissitudes of fortune. At different times, several forts bearing different names have existed at Detroit. The earliest, built in 1701, was Fort Pontchartrain⁹⁹ du Detroit. It was a quadrangular stockade with four bastions, located on a bluff, with the Detroit River in front and the Savoyard in the rear. During the

French period it was several times enlarged and once (during the Fox-French Wars⁷⁰) was greatly reduced.

In the long contest for dominance of the Ohio Valley, the French endeavored to strengthen Detroit, their center of western control, but the struggle ended in the conquest of New France⁷¹. In November, 1760, Fort Pontchartrain du Detroit surrendered to the British, who soon reduced its long name to the single final word. In 1763-64 the place underwent an Indian siege of unexampled duration (*see* Detroit, Fort, Siege of by Pontiac), and when finally relieved, its defenses were materially strengthened.

Throughout the Revolution, Detroit was the chief center of British power in the West, and the goal, in consequence, of the American armies (*see* Clark's Northwestern Campaign). All their efforts to reach Detroit were defeated, but the success of Clark at Vincennes⁷² produced an important local effect. Across the Savoyard River rose a hill from which an attacking army could command the existing defenses. In anticipation of its arrival, the British hastily erected a new fort here, and named it Fort Lernoult (vicinity of modern Fort Street). Eventually, stockades were erected connecting it with the older fort, thereby greatly enlarging the enclosed area.

Throughout the post-Revolutionary Indian wars in the Northwest (*see* Wayne Campaign), Detroit continued to be the real center of opposition to the American armies. On July 11, 1796, in pursuance of the Jay Treaty⁷³, the British at length yielded Detroit to the Americans (*see* Border Forts, Evacuation of), and retired to Amherstburg, where they established a new military and governmental center. In July, 1812, Gen. Hull invaded Canada from Detroit, but instead of conquering the country, he soon retreated and on Aug. 16 surrendered his army and all Michigan Territory to the British (*see* Detroit, Surrender of). For over a year the Americans made extensive but futile efforts to recover Detroit, Commodore Perry's victory on Lake Erie⁷⁴ (Sept. 10, 1813) determined the issue. Conveyed across Lake Erie by Perry's fleet, Gen. Harrison quickly occupied Detroit and destroyed the retreating British army at the Thames⁷⁵ (Oct. 5). To the fortifications of Detroit, as now restored, he gave the new name of Fort Shelby.

The Treaty of Ghent⁷⁶ (Dec. 24, 1814) nominally restored the *status quo ante bellum*; but no treaty could bring back the vanished power of the northwestern Indians, or enable them again to withstand the American Government. With their might, passed also the importance of

Fort Detroit. It continued for another decade as military headquarters of the Department of the Lakes, when the city it had guarded for over a century ceased to require its protection, and its site was devoted to peaceful pursuits.

[Silas Farmer, *History of Detroit.*]

M. M. QUAIPE

Detroit, Fort, Siege of by Pontiac (1763-64). Canada surrendered to the British in September, 1760 (*see* Montreal, Capture of, 1760); the ensuing year was consumed in taking over the far-flung western French posts. Before the task was completed, the dislike which the red men felt for the conquerors was stirring them to organized revolt (*see* Ecorse River Council).

The great leader of this movement was Pontiac⁷⁷, who himself undertook the conquest of Detroit. Having enlisted the co-operation of several tribes, he schemed to overcome the garrison by stratagem. Under pretense of holding a council, 300 warriors with sawed-off guns beneath their blankets gained entrance to the fort on May 7; but Maj. Gladwin had been informed of their plan, and his preparations for resistance were so effective that Pontiac was forced to retire without giving the signal for the intended slaughter.

The siege which followed is one of the most thrilling events in American history. Within the fort were about 100 defenders, scantily supplied, while in the river near by floated two tiny armed sailing vessels; without, were hundreds of warriors, led by a savage genius and enjoying the sympathy of the French settlers of Detroit. British pluck was pitted against savage wiles in a contest that continued into the second year. The besiegers were animated by transports of savage fury, while the defenders were keyed to an exalted pitch of resolution. Pontiac made earnest efforts to overpower the two sailing vessels, whose essential service in maintaining communications with Niagara⁷⁸ and in bringing needed reinforcements of men and supplies probably turned the tide in favor of the defenders.

To end the war, Gen. Gage in 1764 launched two armies against the red men. Col. Bradstreet⁷⁹, leader of one of them, entered Detroit, Aug. 26, 1764, and the fifteen-month siege was over, although formal peace was delayed for another year.

[F. Parkman, *The Conspiracy of Pontiac.*]

M. M. QUAIPE

Detroit, Indian Council at. On July 5, 1761, Sir William Johnson, Superintendent of Northern Indians, set out for Detroit. That post had been surrendered by the French the preceding

autumn, but no permanent relationship had been established between the British and the tribes based on the Straits. French intrigue continuing, the Indians were restive, with war belts passing from the Senecas for a concerted drive on Detroit, Niagara and Fort Pitt⁹⁹.

In three councils along the way, Johnson solved these difficulties temporarily. By persuasive diplomacy and the distribution of medals to chiefs, he smoothed the path for reinforcement of the Detroit garrison and allayed dissatisfaction caused by continuance of posts erected only for the duration of the war.

Arriving in Detroit Sept. 9, Johnson a few days later met in council representatives of thirteen tribes. Revealing knowledge of the hostile trend, he drew the rest of the plan from his hearers, exposed the chief actors and won all to the British cause.

Sir William's visit delayed the rising by nearly two years. However, by favoring the Hurons at expense of the Ottawas, he gave excuse for Pontiac⁹⁹ to continue tribal hostility.

[*Papers of Sir William Johnson*, Vol. III; *Stone's Life of Johnson*, Vol. VII; Pound and Day, *Johnson of the Mohawks*.]

ARTHUR POUND

Detroit, Mich., unlike most cities, was founded, in 1701, in response to a deliberate governmental policy (see Detroit, Fort). In 1696 the French monarch had ordered the evacuation of the entire interior of the continent, thereby limiting New France⁹⁹ once more to the lower St. Lawrence Valley. The folly of this decree was soon evident, and in reversing it the determination was reached to control the western country from three strategic centers—the mouth of the Mississippi, the "Straits" of Lake Erie, and a point midway between these extremes. New Orleans, St. Louis and Detroit today attest the wisdom of this program.

Throughout the French and British periods Detroit was the governmental and commercial center of the Great Lakes and the upper Mississippi areas. The advance of American settlement in the 19th century, however, introduced new economic and governmental forces; the formation of new states, the settlement of the back country⁹⁹, and especially the development of railroad transportation all contributed to shift the strategic center of the interior from the straits of Lake Erie to the south end of Lake Michigan. The present importance of the city is due to other factors than those which from 1701 to 1850 made Detroit the leader of the West.

[Silas Farmer, *History of Detroit*.]

M. M. QUAlFE

Detroit, Surrender of (Aug. 15, 1812). On the eve of the War of 1812 Gen. William Hull was ordered to Detroit. Arriving at the Rapids of the Maumee, and not knowing that war had been declared, Hull attempted to hasten his speed by sending his baggage by water. But the *Cuyahoga* was captured by the British and with it Hull's military papers. The information thus secured was of valuable assistance to the British in the campaign which followed. The fortress at Detroit needed repairs, but no improvements were made because the War Department ordered Hull to capture Malden. Hull crossed into Canada on July 11 and remained there until Aug. 7. During this time he did not attack Malden, as he did not believe he could carry the place without the heavy artillery. This could not be removed from Detroit until the rotten gun carriages had been replaced. After the fall of Fort Mackinac⁹⁹ large numbers of Indians flocked to the British, and a party of them cut Hull's communications, forcing him to return to the American side. Hull's troops lost confidence in their commander and plotted to depose him. Hull had no more confidence in his troops. At this juncture Gen. Brock arrived and demanded a surrender of Detroit. Fearing that his food supplies would not enable him to stand a siege and realizing the danger of massacre if he were starved into a surrender, Hull yielded without resistance.

[J. G. Van Deusen, *Detroit Campaign of Gen. William Hull*, *Michigan History Magazine*, July, 1928; Henry Adams, *History of the United States*.]

JOHN G. VAN DEUSEN

Detroit, Woodward Plan of. Augustus Brevoort Woodward, appointed by President Jefferson one of the three judges to administer, with Gov. William Hull, the newly created Territory of Michigan, reached Detroit in June, 1805. He found the century-old French town completely burned (see Detroit Fire), and planned a modern city, having features similar to the Washington⁹⁹ plan made by his friend L'Enfant—notably streets radiating from local centers. These centers, after the fashion of the day, he named Campus Martius and Grand Circus. The principal thoroughfare parallel to the river he named for his friend President Jefferson; the central street extending from the river indefinitely he named Woodward, because, as he modestly wrote, it ran woodward. So much of Woodward's plan is still fundamental in Detroit. His fanciful system of impinging circles never found favor.

[Silas Farmer, *History of Detroit*.]

CHARLES MOORE

Detroit Fire (1805). French Detroit was a stockaded town of narrow streets and crowded buildings, wherein the danger of destruction by fire was never absent. The blow fell on June 11, 1805, when "baker" John Harvey's barn in the western part of town caught fire. Although only a light wind was blowing, the blaze spread with astonishing speed, darting "with nearly the celerity of lightning," so that the entire town was wrapped in one common conflagration. The streets were filled with a dense column of smoke and flame which streamed out far beyond the limits of the town. One spectator described the scene as "at once sublime and painful, exceeding in awful grandeur perhaps almost any spectacle of the kind which has happened since the world began."

By midafternoon every building but one had vanished from the city; only chimneys and ashes remained. To contemporary sufferers the disaster was appalling, but it gave opportunity to build a new Detroit on a comprehensive plan, perhaps the finest ever devised for a modern city (*see* Detroit, Woodward Plan of). Although later generations departed from it, the remnant which remains gives to central Detroit a distinction which no other American city save Washington^{av} possesses.

[Silas Farmer, *History of Detroit*.]

M. M. QUAIFE

Devaluation. The gold dollar unit of the United States has been devalued or debased upon two occasions. Under the coinage law of June 28, 1834, the fine gold weight of the dollar was reduced from 24 75 grains to 23 2 grains, a reduction of just over 6%. Since gold was undervalued at the mint when this law was passed, however, the actual debasement was approximately 3%. Under the law of Jan. 18, 1837, the gold content of the dollar was raised to 23.22 grains for technical reasons.

The second case of devaluation of the dollar occurred on Jan. 31, 1934, when the President, under authority of the Gold Reserve Act of 1934^{av}, reduced the fine weight of the gold dollar from 23.22 grains to 13.71 grains, a debasement of nearly 41%.

[F. A. Bradford, *Money and Banking*; N. Carothers, *Fractional Money*.]

FREDERICK A. BRADFORD

Devil's Hole, Ambuscade of (Sept. 14, 1763). About a mile below the whirlpool on the east side of the Niagara River, John Stedman, the keeper of the portage, and twenty-four men were passing over the portage road in charge of several wagons, when they were ambushed by a

band of Senecas^{av}. So sudden was the attack that, with the exception of Stedman and one or two others, all were killed, many being driven over the cliff. Two companies of Col. Wilmot's regiment stationed at Lewiston heard the firing and hastened to the rescue. The Senecas successfully ambushed the relief. Five officers and sixty privates were killed. Eight or nine were wounded.

The Senecas who perpetrated this outrage, undoubtedly influenced by Pontiac^{av}, also had successfully closed a source of supply for Detroit^{av} by killing or seizing the cattle at Niagara, thus making transportation over the portage impossible for that season.

[E. B. O'Callaghan, *Documents Relative to the Colonial History of the State of New York*, Vol. 7.]

ROBERT W. BINGHAM

DeWitt's Colony. Green DeWitt obtained from the Mexican governor of Texas, on April 15, 1825, a contract to settle 400 families in Texas^{av}. The area designated for the colony lay between the Lavaca and Guadalupe rivers and extended from the Bexar-Nacogdoches road to a line following indentations of the coast ten leagues from the shore. DeWitt issued under this contract 181 land titles. It was in this colony, at Gonzales^{av}, that the first shot in the Texas revolution^{av} was fired.

[E. Z. Rather, DeWitt's Colony, in *Texas State Historical Quarterly*, VIII.]

E. C. BARKER

Diamond Island Fight, THE, took place on Sept. 23, 1777, between colonial troops under Col. Brown and the British defenders of Diamond Island in Lake George, N. Y. It was part of a movement designed to cut Burgoyne's^{av} communications on the lake but was unsuccessful. Attacks at other points on the lake, however, attained their object.

[B. J. Lossing, *Pictorial Field Book of the Revolution*.]

CARL L. CANNON

Diamond Match Company, THE, was incorporated in Illinois (Feb. 13, 1889) by Judge W. H. Moore and J. H. Moore, in succession to a Connecticut undertaking of the same name. Expanding into a gigantic industry, it acquired lumber and other allied interests, erected plants in many parts of the world and, by 1911, controlled 70% of the output in the United States.

[W. H. Dixon, *The Match Industry: Its Origin and Development*.]

WHEELER PRESTON

Dictionaries, American. American lexicography began with the first Webster's *Dictionary*^{av} (1806), although two small school dictionaries,

which omitted words "highly offensive to the modest ear," had appeared by 1800. Demanding an American language and an American pronunciation, and warring against the mistakes in British books, Noah Webster spent twenty years preparing the monumental *An American Dictionary of the English Language* (1828). This work, revised and enlarged six times, now appears as *Webster's New International Dictionary, Second Edition* (1934). Joseph E. Worcester, who in 1829 edited an abridgment for Webster, published *A Universal and Critical Dictionary* (1846). Competition for the lucrative schoolroom trade drew the publishers of Webster and Worcester into a pamphlet "dictionary war" between 1853 and 1864, when writers, periodicals and college faculties fiercely debated the authors' respective merits. William Dwight Whitney edited, in six volumes, *The Century Dictionary* (1889-91), which treated words and things in a broadly encyclopedic manner. Isaac K. Funk prepared *A Standard Dictionary* (1893), which Frank H. Vizetelly revised as *Funk and Wagnalls New Standard Dictionary* (1913). Many abridgments and small compilations have been based on these large dictionaries. Several large dictionaries published as American are in reality reprints of British works.

Constructed on the plan of the ten-volume Oxford *New English Dictionary on Historical Principles* (1884-1928) are three large, scholarly, linguistic works now (1939) in progress: *A Dictionary of American English*, edited by Sir William Craigie; *A Dictionary of Middle English*, edited by Thomas A. Knott, of the University of Michigan; and *A Dictionary of Early Modern English*, edited by Charles C. Fries, of the University of Michigan.

[M. M. Mathews, *A Survey of English Dictionaries*.]

HARRY R. WARFEL

Dictionary of American Biography, a twenty-volume co-operative work, published under the auspices of the American Council of Learned Societies, contains 13,633 biographical sketches of outstanding Americans. No living person is included. The articles were written by 2243 different contributors. Allen Johnson was editor in chief from 1926 until his death in 1931, he was succeeded by Dumas Malone, who brought the work to completion. Volume I was published on Nov. 8, 1928 and Volume XX on Dec. 10, 1936. The biographies range in length from 200 to 16,500 words. An analytical Index was published in 1937. There will be supplementary volumes from time to time.

W. D. HOWE

Digger Indians, THE, originally meant one tribe of the Pautes^{er} in southwestern Utah who subsisted on agricultural produce and roots. They were termed "digger" in distinction to hunting, flesh-eating tribes. They were poor and feeble fighters, and practically always were spoken of by early pioneers as degraded and thievish. Later the term was applied to other root-eating tribes in other Western states.

[F. W. Hodge, *Handbook of American Indians*.]

CARL L. CANNON

Dighton Rock, a petroglyph on Taunton River in Massachusetts, first observed in 1680, has been the subject of more weird speculation than any other subject of antiquity in America. Its intricate and not easily decipherable inscriptions have been attributed to Phœnicians, Norsemen and some thirty other unprovable sources. It is now certain that most of its designs were relatively meaningless scribbles by Indians in colonial times. But there are fairly conclusive indications, based upon improved photographs, that, before them, the first inscription may have been made by the lost Portuguese explorer, Miguel Cortereal, in 1511.

[Edmund B. Delabarre, *Dighton Rock*; Julian H. Steward, in the *Report of the Smithsonian Institution* for 1936.]

EDMUND B. DELABARRE

Dime, THE, is a silver coin of the United States having the value of ten cents, or one-tenth of a dollar. First spelled "disme," it was so termed on the trial pieces minted under the act of April 2, 1792. The first coins^{er} to be put into circulation were issued in 1796. (*See also* Coinage, Subsidiary.)

[N. Carothers, *Fractional Money*.]

WHEELER PRESTON

Dime Novels. Mrs. Ann S. Stephens, a famous author and magazine editor, not dreaming of the odium that would later attach to such pamphlets, wrote the first novel of record published in paper covers for ten cents—*Malaeska; the Indian Wife of the White Hunter*. It was published in 1860 by Erastus F. and Irwin P. Beadle and Robert Adams, who had begun business in New York with the idea of publishing "dollar books for a dime." Their series, issued in rapid succession thereafter, quickly fell into the style which the dime novel was to maintain throughout its existence—continuous suspense, violent action and no little bloodshed, but a high standard of morals. Virtue always triumphed, evil was punished; there was vigorous language but no profanity, sex was practically invisible and drinking

was minimized; in fact, the heroes never drank. Irwin P. Beadle left the firm in 1862, and in 1866 formed a partnership with George P. Munro, a former Beadle & Adams employee, to launch a series called New Dime Novels. Beadle & Adams about the same time tried a series of longer stories (50,000 words and upward) at twenty cents a copy, but they were not a great success. Munro in later years published two of the most famous series of all, those of "Old Cap Collier" and "Old Sleuth." This, by the way, was apparently the first usage of "sleuth," the old Scotch-English word for track or trace left by man or beast, to designate a detective.

Edward S. Ellis, "Ned Buntline" (Edward Z. C. Judson), Capt. Mayne Reid and Prentiss Ingraham were among the most famous and prolific early writers of the outdoor adventure stories. Authors were paid from \$50 to \$250 outright for the stories, though for the longer, the twenty-cent Beadle series, Reid is said to have received \$700 for one manuscript in 1868. The writers worked at terrific speed; Ingraham once wrote a 35,000-word story in twenty-four hours. The *North American Review* published a grave discussion of the Beadle novels in 1864, but did not find them pernicious; but by 1880 and thereafter, they were being denounced as a menace to youth; alleged instances were adduced of boys led into crime by them—yet their circulation increased; one story is known to have sold nearly half a million copies. Some series of them now began to be sold for five cents, catering to the boys' trade. Edward L. Wheeler created another famous character, "Deadwood Dick," who first appeared in 1884. John R. Coryell is given credit for inventing the great detective, "Nick Carter," though two other men wrote most of the stories. A trend toward the urban is seen in the stories of "Jack Harkaway," a dashing city youth, in the 1880's and 1890's. By 1890 another publisher, Frank Tousey, was catering to boys with his *Wild West, Work and Win, Pluck and Luck* and other weekly series, including the stories of "Frank Reade" and his electric marvels. In 1896 William Gilbert Patten, under the pseudonym of Burt L. Standish, created for Street & Smith the youthful "Frank Merriwell," about whom he wrote more than 900 stories. By 1910 the newsprint or pulp paper magazines were replacing the paper-backed novels, though the character of the fiction remained much the same. Meanwhile, Erastus F. Beadle had died in 1894, worth between \$2,000,000 and \$3,000,000, while Munro's estate was estimated at \$10,000,000.

[Edmund Pearson, *Dime Novels*.]

ALVIN F. HARLOW

Dingley Tariff (1897). The tariff was not an issue in the 1896 campaign²⁷, but increases were justified by depression (see Panic of 1893) and Treasury deficits. Wool and hide duties were reimposed and 1890 duties on flax restored. Complex compensatory duties were levied on woollens. Silk and linen rates were increased and made specific to prevent undervaluation. Rates on cottons were not greatly changed nor were those on most metals. Despite the Treasury's plight, protection rather than revenue was the motive, except in the case of sugar.

[F. W. Taussig, *The Tariff History of the United States*, 8th ed.]

FRANK A. SOUTHARD, JR.

Dinwiddie Court House. See Five Forks, Battle of.

Diplomacy, Secret, or the arrangement by governments or chiefs of state of their diplomatic affairs without the knowledge of other states or of their own people, is in general practice today as it always has been, but it is partly frustrated by the constitutional guarantees of some remaining democratic nations which require ratification of treaties by popularly elected bodies, such as the Senate of the United States. This has tended to curb secret diplomacy in the United States. It has not prevented secret negotiation of treaties. Even Woodrow Wilson, proponent of "pitiless publicity" in all government administration, and advocate in his Fourteen Points²⁸ of "open covenants openly arrived at," engaged in secret negotiations even now not fully revealed. It has not prevented the practice of negotiating "executive agreements," which have encroached on the treaty-making powers of the Senate without binding the nation under the Constitution. These "executive agreements," now increasingly resorted to in the United States, are full of secret diplomacy and sometimes their full terms are not known to the public. (See also *Treaties, Secret*) Members of the League of Nations are obliged to "register" their treaties and international engagements in order to make them binding.

SAMUEL FLAGG BEMIS

Diplomatic Missions have been as multifarious as the problems of American diplomacy. They have ranged from the activity of regularly accredited American diplomatic officers to the work of special ministers, ambassadors or envoys extraordinary sent to supplement the regularly accredited diplomatic representatives. Thus, President George Washington sent Chief Justice John Jay to England in 1794 as envoy extraordinary and minister plenipotentiary, notwithstanding

ing the presence there of the regular minister Thomas Pinckney, to settle the Anglo-American crisis of that year, a negotiation which resulted in the famous Jay's Treaty^m. In 1795 Washington sent Thomas Pinckney from his regular post at London to Spain as envoy extraordinary and minister plenipotentiary, as a last peaceful step for the solution of the crisis with Spain, which was attained by Pinckney's Treaty^m. Washington also in 1796 sent C. C. Pinckney, brother to Thomas, to Paris on a similar but less successful mission to solve the crisis caused with France by Jay's Treaty with England. After the undeclared hostilities had broken out with France, John Adams sent two special diplomatic missions to negotiate peace with that country. The first, composed of John Marshall, C. C. Pinckney and Elbridge Gerry, failed (*see* X Y. Z. Affair), but the second, composed of Oliver Ellsworth, William Vans Murray and William R. Davie, was successful in negotiating the Convention of 1800^m.

The above are examples, derived from early practice, of many special diplomatic missions which have been regularly nominated by the President and confirmed by the Senate, and solemnly dedicated to the solution of a particular problem. President Washington also inaugurated the practice of using special agents, without title or diplomatic rank, to negotiate as his personal and confidential representative, thus setting the precedent for such agents so frequently used by later Presidents, particularly by Woodrow Wilson, for example, in the missions of Col. E. M. House. The practice further developed of giving to presidential agents diplomatic rank as ambassadors plenipotentiary or otherwise, without asking the confirmation of the Senate, such as the commissions for peace sent to Europe in 1898 and 1919. This practice is now confirmed without challenge.

[Henry M. Wriston, *The Role of Executive Agents in American Foreign Relations*; Samuel Flagg Bemis, *Diplomatic History of the United States*.]

SAMUEL FLAGG BEMIS

Diplomatic Service. *See* Foreign Service.

Direct Primary. *See* Primary, Direct.

Directories, City. The first such American directory was *Macpherson's Directory for the City and Suburbs of Philadelphia* (1785), a work which assigned numbers to houses and lots and made possible a uniform system of residential identification. The second appeared in New York in 1786; Boston followed in 1789. Other

cities and the date of the first directory are: Charleston, 1800, Pittsburgh, 1815; Cincinnati, Richmond, 1819; Brooklyn, New Orleans, Washington, D. C., 1822, Rochester, 1827; Cleveland, Detroit, 1837; Hartford, St. Louis, 1838, Chicago, 1844; San Francisco, 1850. Most of these books contained advertising, historical information, directions and advice to visitors, data on mails, import duties, statistics, etc. Their greatest early value was in assisting merchants to reach prospective customers. Today no city is without its directory, a book published through private initiative, although in no other record can an inquirer find so complete a register of the inhabitants of a community.

HARRY R. WARFEL

Dirigibles, or lighter-than-air craft, motor-driven and capable of steering, were first constructed in America by Cæsar Spiegler. Spiegler's dirigible made its first flight July 3, 1878, with John Wise of Lancaster, Pa., as pilot. Capt. Thomas Scott Baldwin built the first dirigible for the Government. It was ninety-six feet long with a 20-h.p. motor built by Glenn Curtiss. It made its first flight near Fort Myer, Va., in August, 1908. The army used it at Fort Omaha, Nebr., for about four years and in 1916 purchased several small dirigibles. When the United States entered the World War the navy ordered sixteen blimps. These blimps were small nonrigid dirigibles first developed by the British for their antisubmarine campaign. They had been designated S. S. (Sea Scouts), but were promptly nicknamed blimps. In 1918 coast patrol nonrigid dirigibles of 180,000 cubic feet gas capacity were built here from Navy Department designs.

A Joint Army and Navy Airship Board first met Feb. 26, 1917, and agreed to delegate the development of rigid airships to the navy. After the war the site of Camp Kendrick, near Lakehurst, N. J., was transferred to the navy and a huge hangar, mooring mast, and other facilities erected. In July, 1919, Congress authorized the construction of one rigid airship. This airship, 677 feet long, the ZR-1, was fabricated at the naval aircraft factory in Philadelphia and set up at Lakehurst. On Sept. 4, 1923, the ZR-1, christened the *Shenandoah*, made her maiden flight. After several successful flights it crashed in a storm over Ohio, Sept. 3, 1925, fourteen lives being lost. In 1921 the Government purchased the semirigid dirigible, the *Roma*, 410 feet long, from Italy. She was shipped in parts and assembled at Langley Field, Va. In a flight, Feb. 21, 1922, near Hampton Roads, she was forced to earth, struck a high-tension wire and burned, with thirty-four lives lost. In 1921, also, the Al-

lied Council of Ambassadors allowed Germany to build for the United States on her reparations⁹⁹ account an airship 650 feet long. It was designated the ZR-3, later christened the *Los Angeles*, and flown to Lakehurst, by Doctor Hugo Eckener, arriving Oct. 15, 1924. The *Los Angeles* is now (1938) at Lakehurst but was decommissioned June 30, 1932. In 1929 the first all-metal dirigible, the ZMC-2, a small, experimental ship, with a duralumin skin, was constructed at Detroit. In 1928 the Goodyear Zeppelin Corporation started construction for the navy on two rigid dirigibles, the ZRS-4 and ZRS-5, each 785 feet long, the largest in the world. The ZRS-4, christened the *Akron*, was completed in 1931, but crashed in an electrical storm off the New Jersey coast, April 4, 1933, with a loss of seventy-three lives. The ZRS-5, christened the *Macon*, was delivered in May, 1933, but crashed off the Pacific coast, two lives being lost. (See also Helium.)

[C. E. Rosendahl, *What About the Airship; Jane's All the World's Aircraft, 1928-1935.*] LOUIS H. BOLANDER

Disarmament Conferences. See Great Lakes, Agreement for Disarmament on; Hague Peace Conferences; Fourteen Points; Washington Conference on the Limitation of Armaments, 1921-22; Washington, Naval Treaty of, 1922, Geneva Three-Power Naval Conference, 1927; London Naval Treaty of 1930; London Naval Treaty of 1936.

Disasters. The United States has had fewer earthquakes than some other countries, more tornadoes and cyclones than any other, and more disastrous floods⁹⁹ than any save China. In man-made disaster, usually caused in the 19th century by hasty, flimsy construction, the use of wood and careless operation, this country holds an unenviable supremacy in history. During the first few decades of railroad history, the number of disastrous train wrecks, resulting from collisions, the breaking or burning of wooden bridges, the imperfections of tracks and machinery, was appalling. The Ashtabula wreck, Dec. 29, 1876, which cost ninety-two lives, was, however, the failure of an iron bridge designed by the president of the road, who was an amateur in engineering. Steamboat disasters, caused by fire, the explosion of boilers, sinking or collision, were equally frightful—such holocausts, for example, as the explosion and sinking of the *Sultana*, conveying Federal troops on the Mississippi River, April 27, 1865, in which 1900 soldiers died, and the burning of the *General Slocum*⁹⁹, an excursion boat, near New York in 1904, with a loss of 961 lives. Poorly built dams caused some hor-

rors not likely to be repeated in the future. The Johnstown flood of 1889⁹⁹ resulted from the breaking of an earthen dam. But a concrete structure failed at Austin, Pa., in 1911, bringing death to 400 persons, and the St. Francis Dam disaster in California in 1928 killed 450. These accidents, however, brought about a greater care in the designing and building of dams, even as the untoward railroad experiences of the 19th century finally made American railroad travel the safest of all travel. In the 20th century, the United States has lost all its large dirigible⁹⁹ balloons by accident, with the exception of the *Los Angeles*, and the number of fatal airplane disasters⁹⁹ has shown a striking analogy to the early hazards of primitive railroad and steamboat travel. (See also Fires, Great.)

ALVIN F. HARLOW

Disciples of Christ are the largest religious body of American origin, with 1,607,716 members in the United States and Canada (1937). Thomas Campbell, an Irish Seceder Presbyterian minister, came to America in 1807, preached in western Pennsylvania, and soon broke with his church because of his desire for a wider fellowship on a simple evangelical and nontheological basis. In 1809 he organized The Christian Association of Washington, Pa., and published *A Declaration and Address*, urging the unity of Christians by a restoration of primitive faith and practice in accordance with the dictum, "Where the Scriptures speak we speak, where the Scriptures are silent we are silent." The adoption of the immersionist position led to a union of the "reformers" with the Baptists⁹⁹ in 1813, but this union, never without mutual reservations, lasted only until 1830.

Meanwhile Thomas Campbell's son, Alexander, a much more vigorous personality, had assumed leadership of the movement. He disseminated his ideas widely by publishing two magazines, *The Christian Baptist* (1823-30) and *The Millennial Harbinger* (1830-70), by extensive preaching and lecture tours, and by founding Bethany College, Bethany, W. Va., of which he was president for twenty years. The Disciples and a great part of the followers of Barton W. Stone, known as "Christians," united in 1832.

The movement expanded with the westward growth of the nation, never made great progress in the East, but became strong in the Middle West. Its first national organization for missionary work was formed in 1849. The Disciples escaped division on slavery and the Civil War, but a cleavage resulting from differences of policy regarding missionary societies led to the separa-

tion of a conservative element, known in statistics since 1906 as "Churches of Christ." The Disciples are congregational in polity. Their local churches are generally known as Christian churches.

[R. Richardson, *Memoirs of Alexander Campbell*; W. E. Garrison, *Religion Follows the Frontier: A History of the Disciples of Christ*.]

WINFRED ERNEST GARRISON

Discovery, The Ships (1776, 1790). Two British war vessels of importance during the period of discovery of the northwest coast of America bore the same name, *Discovery*. The first was a small vessel of 300 tons used as the companion ship to the *Resolution* in Capt. James Cook'srd third voyage (1776-80) upon which he explored the northwest coast to the Arctic Ocean. The second ship was a sloop-of-war of about 400 tons burden, which was the chief ship of Capt. George Vancouver'srd voyage (1790-95).

[Charles H. Carey, *A General History of Oregon Prior to 1861*.]

ROBERT MOULTON GATKE

Disease. The pestilence which thinned the native population two years before the Pilgrims landed at Plymouth pleased the newcomers mightily. In the decimation of the red men they saw the handiwork of Providence, a pious thought frequently expressed by their annalists. The concept of the divine origin of the pestilence was stated by Nathaniel Morton (*New England's Memorial*, 1669), "God hath very evidently made way for the English by sweeping away the natives by some great mortalities which fell out about two years before their arrival, whereby he made way for the carrying on of his good purpose in promulgating of his gospel."

If pestilence could be a sign of divine love, it could likewise be a sign of divine wrath. As summed up by Cotton Mather (*A Perfect Recovery*, 1714), "Sin is the sickness of the soul; and one punishment of it is in sickness of the body." In the scurvyrd which destroyed half of the Pilgrims within three months of their landing, in the malignant sore throat which strangled children, and in the inescapable visitations of smallpoxrd, the hand of God was responsible, either smiting in vengeance, or distributing what Cotton Mather called "love tokens." Conversely, a colonial practitioner who lost too many patients despite bloodletting, detergent gargarisms and vomits of ipecacuanha or tartar emetic, was apt to lay the blame on satanic malice.

The tapestry of disease woven by time in America has both a dark and a bright side. Heart disease is now the principal cause of death in the United States. For twenty consecutive years, can-

cer has been on the increase at a more rapid rate than the aging of the population. Pneumonia is still particularly fatal in early infancy and in advanced age. Chronic nephritis is sufficiently serious in middle life to place kidney disease in fourth rank on our death-table. Diabetes mellitus is an enigma, for while its treatment (insulin, 1921) is specific and satisfactory, its trend of mortality is definitely upward. Ten million Americans now have or have had syphilis, a condition so preventable that when a syphilitic sailor arrives in Stockholm, the medical population turns out to study a clinical rarity in Scandinavia.

The other side of our health picture shows remarkable gains. Upon the publication of the first edition of William Osler's *Practice and Principles of Medicine* (1892), one of the most formidable diseases in America was typhoid fever; in our present medical centers, students must study the disease from textbooks, because typhoid cases are unavailable. At the turn of the century (1900), out of every 100,000 Americans, 200 died from tuberculosis. recently (1937) the number dropped to 55-60, and still more recently (1938), our tuberculosis mortality, for the first time in human history, was less than 50 in 100,000. A physician who interned or practised in the Southern states at the beginning of this century soon became aware of the prevalence of bubonic plague, yellow feverrd, smallpox, malaria, hookworm disease, pellagra, typhoid fever, diphtheria, rickets, pernicious anemia, dysenteries and toxic diarrheas; if that physician returned to that region today, he would learn that the terrors of his youth are regarded as vanishing diseases. Despite unfavorable economic conditions, there are periods in overcrowded New York without a single death from such former destroyers of childhood as measles, diphtheria, scarlet fever and meningococcus meningitis. This record indicates that the era of preventive medicine has dawned in America.

[Helen Duncan Behnke, *Colonial Theories Concerning the Cause of Disease*, *American Medicine Number of Medical Life*, 1934.]

VICTOR ROBINSON

Disfranchisement, Southern, of the Negro.

In the years following Reconstructionrd the Southern whites kept the Negroes from voting by practising the same methods of intimidation which had already been successfully employed during Reconstruction. Ballot boxes were stuffed, counts were manipulated, and polling places were established remote from Negro communities or guarded by armed white men. The white South believed the participation of the Negro in politics was a civic danger to be suppressed at all costs (see Ku Klux Klan).

But this practical nullification of the Fifteenth Amendment⁹⁹ was not permanently satisfactory. Fraud and violence invited Federal interference and threatened the demoralization of the whole structure of Southern politics (*see* Home Rule, Restoration of; Solid South). Consequently, in the 1890's and 1900's, all Southern states cloaked their disfranchisements of the Negro in the maximum of legality by prescribing suffrage qualifications which did not explicitly contradict the Fifteenth Amendment's prohibition of race discriminations (*see* Mississippi Plan). Rigid residence, tax-paying (*see* Poll Tax), and property or educational requirements were enacted. The discriminatory interpretation of these standards was guaranteed by giving election officials freedom in their application. Under this "understanding clause" white officials have adjudged most Negroes ineligible for voting. The "grandfather clause,"¹⁰⁰ on the other hand, has insured discrimination in favor of whites by permitting excusal from the regular educational or property qualifications of men who were voters, or whose progenitors were voters, before the Negro was enfranchised by Federal law.

An additional insurance against Negro suffrage has been the operation of the Democratic primary as a private organization for whites only. Guarded by pledges requiring all candidates to accept its results, it has become the actual election and the subsequent general election is merely a formal ratification of its results.

[Paul Lewinson, *Race, Party, and Class*.]

FRANCIS B. SIMKINS

Dismal Swamp, THE, an immense swampy section in southeastern Virginia, covering about 750 square miles. In the center is the beautiful circular Lake Drummond, three and one-half miles in diameter, immortalized in the poems of Thomas Moore and in Longfellow's "The Slave in the Dismal Swamp." The swamp was named by William Byrd in 1728. Four thousand acres of it were owned by George Washington, and he surveyed "The Washington Ditch," a canal through the swamp to the Nansemond River.

[Bulletin, No. IV, *Virginia Geological Survey*.]

JAMES ELLIOTT WALMSLEY

Dissenters. This name, in American history, has been applied particularly to those who disagreed with the doctrines of the established Church of England. However, dissent was recognized against other establishments, e.g., in Massachusetts. The logical result of dissent is separation, and there consequently grew up separate "Dissenting" bodies. The most important

of these were the Congregationalists, Baptists, Quakers, Presbyterians and Wesleyans or Methodists¹⁰¹. All of these came to be active in America. Nonconformist was a term applied at first to those who refused to agree to the practices of an established church. In the 19th century, however, this term came to be applied generally to all who in any way disagreed with the established church. Popularly, since that time, the two terms have been used without distinction.

[H. W. Clark, *History of English Non-Conformity*; J. M. Mecklin, *The Story of American Dissent*.]

ROBERT FORTENBAUGH

Distilling. During the 17th century, distilled liquors were practically all imported. West India rum became popular in New England, and around 1700 it began to be distilled there (in Boston first) from molasses or sugar-pan skimmings. The business spread rapidly in New England, and within a few decades Boston and Newport (R. I.) each had thirty distilleries. In 1746 there were three distilleries in New York. The distilling of whiskey and gin had begun in a small way by this time. During the Revolution, whiskey making increased so enormously that it seemed to threaten the supply of grain for food. In 1792 there were 2579 distilleries in the United States, mostly small ones, of course, and in 1810 there were 14,191. Thereafter they declined rapidly in number and increased in individual size. Western Pennsylvania became the center of rye whiskey making (*see* Whisky Insurrection), and Kentucky of Bourbon—named from a Kentucky county, and from 50% to 80% corn, the remainder rye and malt. In 1918 the nation produced 28,446,117 gallons of potable spirits and 150,387,680 gallons of alcohol. Many veteran distillers retired from the business during the Prohibition¹⁰² period, and not a few large plants were dismantled. Of those which reopened with repeal in 1933, the majority were under new ownership.

[Daniel Dorchester, *The Liquor Problem in All Ages*; Ernest H. Cherrington, *Evolution of Prohibition in the United States of America*.]

ALVIN F. HARLOW

Distribution, or Deposit, Act of 1836, THE, enacted Calhoun's plan for the distribution of the Treasury surplus (*see* Surplus Revenue, Distribution of) instead of Clay's proposal for the distribution of public land revenue. Out of respect for Jackson's constitutional scruples, it provided for the "deposit" with the states, in proportion to their representation in the electoral college¹⁰³, of all money in the Treasury, Jan. 1, 1837, in excess of \$5,000,000. Because of the

Panic of 1837th only three of the four quarterly installments authorized were actually paid.

[E. G. Bourne, *The Surplus Revenue of 1837.*]

S. J. FOLMSBEE

Distribution of Merchandise. The processes and mechanisms for getting products from the original producer to the final consumer are undergoing almost constant change, reflecting social development. There is no rigid or fixed system about it. In small communities and when the problems and products are simple, the distributing mechanisms are also simple. Where products need assembling, grading, storing or moving, and where the merchandising calls for financing and for specialized presentation, different ways are tried; and those which are reasonably successful survive. Thus retail merchants, importers, factors, commission men, chandlers, butchers, traders, etc., date from the earliest shore settlements. Freighters, fur dealers, exporters, shippers, slave traders and specialized merchants in, or shippers of, rice, tobacco, fish, lumber, naval stores, molasses, rum, developed as population and trade expanded. Each movement of population to the West resulted in the starting of new types of distribution, and each important economic change has been accompanied by adjustments in the distributing methods and mechanism. No sooner would a trade get itself well established than it was obliged to adjust to some altered situation. For example, after the War of 1812, merchant houses in New England, which had conducted a profitable overseas trade in imports or exports or both, found themselves obliged to look elsewhere for business, and so they helped to finance textile mills, whose products they undertook to sell as commission houses.

Chain stores, department stores, mail-order houses, co-operative marketing^g organizations and all other types of distributing houses are direct reflections of an economic or social condition resulting in a merchandising job to be done, and determining in a measure the form of the device set up for doing it.

Depressions also have had a marked effect on distribution mechanisms, usually giving rise to new forms which can operate more swiftly or more efficiently or with lessened cost. Dry-goods jobbing in the Middle West, after the Panic of 1873rd, began to cut into the business of older houses in Eastern seaboard cities. The depression of 1929th, et seq., gave impetus to the growth of efficiently operated and well-financed concerns.

Another factor in the development of various distributing organizations and mechanisms is the

vision and personality of individuals with imagination and executive ability. Most of the department stores, chain stores, mail-order houses, wholesale houses and other kinds of distributing concerns have been built up around some single personality who saw the significance of prevailing conditions and devised new ways for performing the requisite tasks.

Distributing methods and practices also have shown as great adjustability as the forms or mechanisms. Cash, credit, discounts, delivery times, contract sales, future trading, installment retailing are only a few of the terms which describe methods used in getting merchandise from place to place or person to person to meet requisite conditions.

The present importance of merchandise distribution in the national economy is indicated by the fact that there are over 1,600,000 retail establishments employing nearly 4,000,000 people, and doing a business of nearly \$33,000,000,000; while in the wholesale business there are 176,000 concerns employing over 1,000,000 people and having net sales of nearly \$43,000,000,000.

Of the retail stores in the country in 1935 over 41% had a net business of less than \$5000 each, and their aggregate business was 4.4% of the total. The retail stores doing a volume of over \$100,000 each represented 2.8% of the total number, and they did over 38% of the total business. The trend in recent years has been toward the concentration of business in larger units, although the total number of small units does not show material decline. Of the 1,649,081 retail establishments doing a total of \$32,790,267,000 worth of business in 1935, the largest group was grocery stores of which there were over 354,000 with a total business of over \$6,000,000,000. Filling stations came next with 197,000 stations and a volume of \$1,900,000,000, eating places next with 153,000 selling over \$1,600,000,000 worth, drinking places next, 98,000, selling over \$700,000,000 worth, and these were followed by general stores, 66,700, garages, 66,200, drug stores, 56,000, and candy and confectionery, 55,000, the only other types having more than 50,000 units.

By type of ownership or operation, the percentages of retail concerns in 1935 were:

| | <i>Number of Stores</i> | <i>Value of Sales</i> |
|----------------|-------------------------|-----------------------|
| Independent | 89.1% | 73.1% |
| Chain | 7.7 | 25.4 |
| Mail order | . | 1.3 |
| Direct selling | 0.4 | 0.4 |
| Other types | 2.5 | 2. |

Department stores, included partly among the independents and partly among the chains in the

above table, represented 0.24% of the total number of stores and did 10% of the retail business.

[Bureau of the Census, *Census of Business*, 1935.]

PAUL T. CHERINGTON

Distribution of Wealth. See *Wealth*, *Distribution of*.

District, Congressional, is the electoral unit from which individual members are elected to the national House of Representatives⁷⁰. This single-member district system was used in a few states from the beginning, and was established by Congress for the entire country in 1842, election at large being permitted only during the period of necessary readjustment of the districts from one apportionment⁷¹ to another. Congress prescribes the conditions for laying out these districts, but their actual mapping is under the control of the respective state legislatures, and the problem of gerrymandering⁷² is therefore exclusively a state problem.

The Constitution requires that a representative reside within the state from which he is elected, but there is no provision with respect to district residence. The custom of electing only residents of a district has, however, become so thoroughly established as to be virtually a rule, the only exceptions being in the large cities, where on rare occasion a person living in one section has been elected to Congress from a district in another section of the same city. Even such cases are likely to arouse controversy over the matter of residence. It is this custom of district residence that makes our representatives to a considerable extent local rather than national in their approach to the problems of legislation; and it is in this respect that American custom differs strikingly from that of Great Britain, in particular, where the leaders in Parliament are assured of seats through the opportunity to run from "safe" districts regardless of their residence.

[Robert Luce, *Legislative Assemblies*; W. F. Willoughby, *Principles of Legislative Organization and Administration*.]

CLARENCE A. BERDAHL

District of Columbia, THE, was proposed as a definite area of 100 square miles to keep state influence geographically remote from the nation's capital, and insure ample room for expansion. The threat to the Continental Congress⁷³ by riotous Pennsylvania soldiers in Philadelphia (see *Pennsylvania Troops*, *Mutinies of*) inspired the paragraph in the Constitution⁷⁴ which gives Congress exclusive legislative powers over the District. The location of the national capital⁷⁵ on

the Potomac River was decreed by Congress, the exact site designated by President Washington and the land ceded by Maryland and Virginia (1790-91). The District was centered upon the peninsula formed by the Potomac and Anacostia rivers, and the planned city filled this peninsula, occupying about one sixth of the entire District. Georgetown, the small boroughs of Hamburg and Carrollsburg in Maryland, and Alexandria in Virginia, were included in the location. Three commissioners, presidentially appointed, to superintend the erection of buildings for the accommodation of the Government, in conference with Secretary of State Thomas Jefferson, named the ten-mile square the Territory of Columbia, and the city the City of Washington (1791). The designation, District of Columbia, evolved apparently through custom, with a quasi-legal sanction, as early as 1796. The areas beyond the city limits were named Washington and Alexandria counties respectively, and were governed by presidentially appointed justices of the peace (five-year terms), acting as boards of commissioners, with powers similar to those of the Maryland levy courts. Alexandria County, in which no government buildings were ever erected, was ceded back to Virginia, on petition, in 1846, which reduced the land area of the District to sixty square miles. Virginia donated \$120,000 and Maryland \$72,000 toward the cost of erecting the government buildings; other funds were to be derived from the sale of lots in the city, which, from a variety of causes, did not equal the expense involved. The first appropriation of government money appears to have been \$8000 for the erection of a jail in 1802.

The Government moved to Washington in 1800, and the city was granted a charter in 1802. Georgetown and Alexandria retained their corporate existences from the beginning. Slave traffic was forbidden in the District in 1851, and slavery was abolished in 1862. The charters of both Washington and Georgetown were canceled in 1871, and a single municipal government established for both, consisting of a presidentially appointed governor, a board of public works, an elected legislative council and assembly and a delegate to the House of Representatives. This form was abolished in 1874 and the citizens disfranchised, as one result of Gov. Alexander R. Shepherd's energetic methods of civic improvements, and the Reconstruction⁷⁶ frenzy, bent on checkmating the steady increase of Southern influence in the nation's capital. In 1878 the present form of three presidentially appointed commissioners, who work with and through the District Committee in Congress, was

established. Georgetown was consolidated with Washington in 1895.

[W. B. Bryan, *History of the National Capital*.]

JOHN C. FITZPATRICK

Disturnell's Map (*Mapa de los Estados Unidos de Méjico, Segun lo organizado y definido por las varias actas del Congreso de dicha República: y construido por las mejores autoridades. Lo publicado J. Disturnell, 102 Broadway Nueva York. 1846*). This important treaty map (Guadalupe Hidalgo⁹⁹) is a reprint of a map published in 1828 by White, Gallaher & White, which firm had plagiarized H. S. Tanner's *Map of the United States of Mexico*, 1825. John Disturnell published twenty-three editions of his map between 1846 and 1858.

[Lawrence Martin, *Disturnell's Map*.]

LLOYD A. BROWN

Disunion, Early Threats of. See Secession, The Right of; Nullification.

Diversification, Agricultural. Diversification was the watchword of the "better farming" agitation which began, in serious fashion, about 1820 (though present sporadically much earlier) with the appearance of an agricultural press, societies⁹⁹, etc. It sounded the protest against a one-crop system like the Southern tobacco planting and the Northern wheat growing⁹⁹. Constant planting of fields with the same crop tends to rob the soil of the elements which the given plant requires, and gradually—often quickly—reduces profits of cultivation to zero or below. A wise plan of crop rotation, especially with a legume like clover as a factor in it, was found by English farmers and early experimenters like Washington in this country to rejuvenate the soil somewhat. If a portion of the crops were fed to animals and the manure applied to the land, improvement would be hastened. (See also Soil Exhaustion.)

Such was the basic argument for diversification, though the question of always having something to sell for income was the powerful motive inducing farmers to take it up. Tobacco growing proved unprofitable as well as destructive to the land. Therefore Washington adopted a system of rotation of crops, growing wheat, corn, clover, oats; raising and fattening swine, cattle and sheep; raising mules for the draft market, and horses for saddle and coach. In short, he diversified his agriculture.

Northern wheat growers found that after a few successive annual crops, the yield of wheat declined rapidly. Finally it would no longer pay

to raise it. Then something had to be done and the advisers said, "diversify." A variety of crops, in rotation, took the place of the single crop. Some of these—corn, oats, barley, hay—were feed crops which could usually be sold more profitably in the form of beef, pork, mutton or wool, cheese and butter than in their original state. The process of feeding provided the means of fertilization, which was likewise advanced by the use of clover in the rotation. The result, a farm that would be improving instead of deteriorating.

Diversification has thus been a means of agricultural improvement for several generations and it is still urged, especially as a means of soil conservation in the cotton-planting areas of the South. However, specialization in production under such a regime as dairying⁹⁹ can coexist very well with crop diversification. In other words, diversification is necessary for the land, while some forms of specialization may be best for the farmer's purse.

[John D. Black, *Agricultural Reform in the United States*; Joseph Schafer, *Social History of American Agriculture and Agriculture in Wisconsin*.]

JOSEPH SCHAFER

Divine Providences in New England were understood to be those occasions when an event came to pass through the agency of natural causes and yet clearly was specifically ordained by the will of God. New England theologians believed that the age of miracles had passed when the content of Revelation had been completed, however, God still achieved His desired ends, not by reversing or suspending the laws of nature but rather by guiding the laws according to their proper natures. In the latter half of the 17th century the doctrine was particularly stressed as a defense against the materialism, atheism and mechanism associated with Hobbes, it was also emphasized by the Mathers as a device to arouse the sluggish emotions of what they believed to be a backsliding generation.

The essential point in the doctrine of providences was, as the Rev. James Fitch expressed it, that God in working them does not refuse to attend to the order of things, but voluntarily submits Himself to it. Thus the doctrine permitted perfect freedom for scientific inquiry and the investigation of natural causes, but at the same time preserved a basically religious and teleological conception of nature. Increase Mather expressed the dual aspect of the doctrine when he announced his design in the *Essay*: "a little to direct and recreate my mind with some philosophical meditations, and to conclude with a theological improvement thereof." Thus storms,

earthquakes, sudden deaths from heart failure, comets, eclipses or any natural phenomena, if they could be improved to point a theological or ethical moral, were to be regarded as a "divine providence." Mather's effort to collect the instances of divine providences that had occurred in New England was admittedly inspired by a devotion to the Baconian method.

[Increase Mather, *The Doctrine of Divine Providence Opened and Applied*, 1684; *An Essay for the Recording of Illustrious Providences*, 1684, *The Voice of God in Stormy Winds*, 1704; *A Discourse Concerning Earthquakes*, 1706.]

FERRY MILLER

Division Act of 1800 (May 7). This act of Congress divided the original Northwest Territory⁷⁰ by a line running from the Ohio River opposite the mouth of the Kentucky River north to Fort Recovery⁷¹, and thence due north to the Canadian boundary. Indiana Territory was created west of the line while the eastern division retained the original name. Vincennes and Chillicothe⁷² were made the respective capitals. William Henry Harrison, territorial delegate from the Northwest Territory, backed by the Chillicothe Republicans, was responsible for the law. Arthur St. Clair, Federalist governor of the territory, opposed it, desiring the Scioto River as a line of division to delay statehood. (See also Harrison Land Act.)

[E. H. Roseboom and F. P. Weisenburger, *A History of Ohio*; *U. S. Statutes*, II, 58.]

EUGENE H. ROSEBOOM

Divorce and Divorce Laws. The Middle and Southern colonies generally followed the English law, which, following Roman Catholic practice, regarded marriage as a religious sacrament, granted no absolute divorce, but permitted "separation from bed and board." Only a few special cases of either type occurred there during the colonial period. In New England, following the Calvinist doctrine, and in violation of English law, marriage was regarded as entirely a civil contract, which for due cause could be absolutely dissolved by a civil magistrate, permitting one or both parties to remarry. There were ninety-six divorce petitions in Massachusetts during the period 1760-86. The wife's adultery was a sufficient cause, but the husband's adultery usually had to be combined with other causes, such as cruelty or neglect, in order to justify divorce.

The Puritan secular theory of marriage and divorce finally established itself in the laws of all the states save one. Toleration of divorce increased everywhere, but especially west of the Alleghenies, where most states have rates mark-

edly higher than those on the Atlantic seaboard. The Middle Atlantic and Southeastern states have remained relatively conservative in divorce law and low in their divorce rates. Most states now grant absolute divorce on at least the grounds of adultery, desertion and cruelty. New York grants it only for adultery, and South Carolina not at all. It is doubtful whether the laws themselves became any more liberal, on the whole, between 1886 and 1930. The increase in divorce is attributed by sociologists to increased city living, mobility of population and freedom of women, and decreased religious control. These changes have led to a more widespread use of divorce laws and to their more liberal interpretation. No state yet grants divorce by mutual consent, all require that an "innocent" party small prove some specified "wrong" done by the "guilty" party. In order to comply with this form of procedure, there is much stretching of terms, concealment of relevant facts, collusion and even perjury; the real situation is commonly mutual consent between two equally "innocent" or equally "guilty" parties. "Cruelty" is used as a ground in an increasing percentage of divorce cases, "adultery" in a decreasing percentage. About 71% of divorces are now granted on the wife's petition—more than formerly.

The American rate has risen steadily from approximately 29 divorces per 100,000 population in 1870 to 171 per 100,000 in 1935. There is now about one divorce to every six marriages (one to three in some Western states), and the chances of any given marriage ending eventually in divorce have been calculated to be 18 out of 100. Our rate is higher than that of any other country (except possibly Russia for a limited period).

[J. P. Lichtenberger, *Divorce, A Social Interpretation*; Willystine Goodsell, *A History of Marriage and the Family*; J. K. Folsom, *The Family*.]

JOSEPH K. FOLSOM

Dixie. Among the theories for the origin of the word Dixie, one is that of a large farm and slave owner in early New York, a kindly man named Dixie, who, when slavery in the North was abolished, took his Negroes with him to the South; but they always looked back upon their former home with longing and spoke of it as "Dixie's Land." A far more plausible theory is that in early Louisiana, because of its large French population, the word Dix (ten) was printed on ten-dollar bank bills. Louisiana thus came to be known as Dix's Land, and, expanded to Dixie, the name spread to the whole South. There is also a vague notion that the name had something to do with Mason and Dixon's Line⁷³. Dan-

iel D. Emmett, a black-face singer, composed the song as it is known today and sang it for the first time as a "walk-around" with Bryant's Minstrels in New York in 1859. He said that he had gotten the idea from hearing touring actors who played in the South say in bleak winter weather, "I wish I was down in Dixie now," or "Dixie Land." The piece was a tremendous hit, and was promptly adopted by the South. It was first sung as a Confederate song at the inauguration of Jefferson Davis as President at Montgomery, Feb. 18, 1861. It was a favorite song and marching tune for the Confederate armies in the Civil War. Gen. Albert Pike wrote new words for the tune in May, 1861, and a third version with a Northern bias was written by T. M. Cooley, but Emmett's words are the ones that endure.

[H. E. Piggott, *Songs That Made History*; S. J. Adair Fitz-Gerald, *Stories of Famous Songs*.]

ALVIN F. HARLOW

Doak's Stand, Treaty of (Oct. 18, 1820), signed in what is now Madison County, Miss., provided for the purchase by the United States of extensive Choctaw^w lands in Mississippi. In exchange for presents and the promise of lands in Arkansas Territory, the Choctaws ceded about 5,500,000 acres in the west central section of Mississippi, including the lower part of the Mississippi-Yazoo Delta. Andrew Jackson negotiated the deal for the United States.

[*American State Papers, Indian Affairs*, Vol. II.]

MACK SWEARINGEN

Docks, Dry. In 1677 James Russel built a dock suited to vessels of 300 tons at Charlestown, Mass. The first floating dock in the United States was built at Hoboken, N. J., in about 1820. The navy commenced the construction of stone docks at the Boston and Norfolk navy yards in 1827, designed by Col. Loammi Baldwin. A stone dock was begun at the Brooklyn Navy Yard^w in 1841. Floating docks at Philadelphia, Kittery and Pensacola navy yards were authorized in 1847. Construction of a government floating dock for use in San Francisco Bay was begun at New York in 1851, to be dismantled and forwarded by sailing ships. As vessels increased in size larger docks have been constructed. The principal Federal docks are now located at the New York, Norfolk, Philadelphia, Boston, Mare Island and Puget Sound naval stations. The principal private docks are at Newport News, Brooklyn, San Francisco, Boston and Philadelphia. The largest stationary dock in the United States is that at South Boston: 1176 feet long, 121 feet wide, maximum depth 43 feet over the blocks. The largest floating dock

is at New Orleans: 525 feet long, nearly 100 feet wide and capable of lifting 16,000 tons.

[C. B. Stuart, *Naval Dry Docks of the U. S.*]

DUDLEY W. KNOX

Dodge City, Kans., was noted in Santa Fé Trail^w days as the site of several temporary army camps until Fort Dodge was built as a permanent post in 1864. Upon completion of the Santa Fé Railroad (see Atchison, Topeka and Santa Fé Railway) to this site in 1872, a town sprang up as an outfitting center for buffalo hunters, who shipped over 400,000 buffalo hides a year for three years. Cattle succeeded buffalo on the range and Dodge City became the rendezvous for cowboys^w and the shipping station of from 250,000 to 500,000 cattle a year until 1886 when the Government closed the free range^w. Reckless men infested the young town, committing twenty-five murders the first winter and giving rise to Boot Hill, cemetery for men dying with their boots on. To enforce order, the citizens employed dead-shot gunmen, whose half-legendary exploits afford wild-west plots for fiction and drama. (See also Cow Towns)

[Robert M. Wright, *Dodge City, the Cowboy Capital*.]

BLISS ISELY

Dodge City Trail was one of the famous cattle trails from west Texas to the railway terminal in Kansas. Herds of cattle were gathered along the trail at such Texas points as Mason, Brady, Coleman and Fort Griffin. Crossing the Red River at Doan's Store near Vernon, the moving herds continued through Fort Supply in western Oklahoma to Dodge City^w. During the decade, 1875-85, the number of cattle driven up this trail amounted to several hundred thousand.

[L. W. Newton and H. P. Gambrell, *A Social and Political History of Texas*.]

L. W. NEWTON

Dodge-Leavenworth Expedition, THE, of 1834 was composed of United States Dragoons and delegations of Osage, Cherokee, Delaware and Seneca Indians^w, under the leadership of Col. Henry Dodge. Its chief purpose was to impress the wild Indians of the plains who had been committing depredations upon the newly arrived Indians from east of the Mississippi River (see Indian Removal) and upon white settlers. Starting from Fort Gibson^w on the Arkansas River on June 21, the expedition crossed the Washita and Canadian rivers, and continued southwest to the Pawnee Pict village on the north fork of the Red River. Delegations of plains Indians returned to Fort Gibson with the

expedition, and at that place, on Sept. 1 to 4, conferences occurred between them and the immigrant tribes in which peace was made. Thus began the first official relations of the United States Government with the Comanches, Kiowas and Pawnees⁷⁷, powerful tribes of the Southwest plains. Treaties were concluded with the first two of these tribes in 1835 and 1837, respectively, but subsequent years brought bitter warfare.

[H. P. Beers, *The Western Military Frontier, 1815-1861*]

HENRY P. BEERS

Dog, Tim. The Indians had dogs, most of them resembling their wolf cousins, when the first white settlers landed in America, one of them gave the alarm when the English attacked the Pequot⁷⁸ Fort in 1637. Dogs came from Europe with some of the earliest colonists. In 1648 Massachusetts authorized each town to purchase dogs for the destruction of wolves. Later, they served in New England as auxiliaries to the militia. A report during Queen Anne's War, 1706, reads, "We are sending out 50 men with dogs . . . to discover and annoy the enemy." All the way across the continent to Oregon and California, there was scarcely a pioneer family that did not have a watchdog, and frequently several. On some plantations in the ante-bellum South, hounds were kept to trace runaway slaves. A remarkable present-day function is that of the "Seeing Eye," which trains German shepherd dogs to lead the blind.

[Howard M. Chapin, *Dogs in Early New England*; Joseph Edward Harry, *Dog and Dogs*.]

ALVIN F. HARLOW

Dohrman's Grant was a section of land (23,040 acres) in the southeastern part of Tuscarawas County, Ohio, granted by the Congress of the Confederation⁷⁹, Oct. 1, 1787, to Arnold Henry Dohrman, as a token of appreciation for the aid and shelter which he, as merchant and agent of the United States at Lisbon, Portugal, rendered American cruisers and vessels of war during the American Revolution. At the same time Congress granted Dohrman a reimbursement in the form of a salary, retroactive, for his services as agent.

[*American State Papers, Claims*, Vol. XIX, pp. 508-514; *Ohio Archeological and Historical Publications*, Vol. XXIII, pp. 227-231.]

HARLOW LINDLEY

Dollar, Silver. It is one of the curious facts of American history that the story of the American dollar is much less the history of the gold dollar, which has been the standard money from 1792 to the present day, and much more the his-

tory of the silver dollar, which has never circulated as a standard coin, has been rejected by the people as a currency and has had a debased and dishonored status for a half-century (see *Silver Legislation*).

In the colonial period the major coins in circulation were the Spanish dollar⁸⁰ and its parts, the four, two and one real pieces. This Spanish dollar or piece-of-eight⁸¹, the greatest of all historic coins, was the actual though not the nominal colonial standard. When Hamilton adopted bimetallism⁸² in 1792 he chose as the basic coin a new dollar intended to be identical with the Spanish dollar. The current dollars were worn and debased and of uncertain weight. In the market they sold for 24¾ grains of gold. Hamilton judged the market ratio to be 1 to 15, and he chose as units a gold dollar of 24¾ grains and a silver dollar of fifteen times that, or 371¼ grains. A trial weighing of Spanish dollars in Philadelphia confirmed this estimate.

The gold coinage was negligible. The few silver dollars coined went out of circulation and Jefferson stopped their coinage in 1806. In 1834 and 1837 new laws made the ratio 16 002 to 1, at which valuation gold coinage became plentiful and silver coinage impossible. The silver dollar was never in circulation from 1792 to 1873, in which year it was dropped from the system. The one-dollar gold piece was a common currency from 1834 to 1890, when it was abolished because of its small size.

In the 1870's silver lobbyists and inflationary interests began agitating for the revival of a bimetallism that had never operated and the restoration of a silver dollar that had never circulated. Bimetallism was not achieved and the country formally confirmed the gold standard by act of 1900, but the Bland-Allison Act of 1878, the Sherman Act of 1890, the Pittman Act of 1918 and the Silver Purchase Act of 1934⁸³ forced the Government to buy silver bullion and coin a limited number of dollars. The dollars coined under those acts have been given a false legal status as "standard" coins. They are in fact debased "token" coins, worth over the years anywhere from twenty cents to one dollar.

They have had a limited circulation in the West, where propaganda has created the delusion that it promotes the cause of silver to circulate the coins. They formerly circulated widely in the South, where the post-Civil War Negroes, unable to read and write, preferred them to printed paper money. But generally rejected by the people as a dubious and physically unsatisfactory currency, the millions of silver dollars coined under the various acts have been buried in government

vaults. The ownership of the coins has been transferred to the people by the issue of silver certificates, which have the dollars back of them as an inadequate "reserve."

[A. B. Hepburn, *History of the Currency*; J. L. Laughlin, *Bimetallism*, N. Carothers, *Fractional Money*.]

NEIL CAROTHERS

"Dollar-a-Year Man." When the United States entered the World War⁹⁹ in 1917, a large number of prominent merchants, manufacturers, bankers, professional men, and others entered the service of the Government as executives in departments in which they were expert, receiving no salary save a dollar per year, plus their necessary expenses. They served only during the war.

[John Bach McMaster, *The United States in the World War*.]

ALVIN F. HARLOW

Dollar Diplomacy may be defined as a policy of using the power of the National Government to advance, by all peaceful means, the commercial and monetary interests of American citizens and their corporations all over the globe, in rivalry with other powers, but particularly in those regions, like Central America and the Caribbean, where the strategic interests of the United States are paramount. It is best exemplified by this quotation from a message of President Taft to Congress of Dec. 3, 1912: "The diplomacy of the present administration has sought to respond to modern ideas of commercial intercourse. This policy has been characterized as substituting dollars for bullets. It is one that appeals alike to idealistic humanitarian sentiments, to the dictates of sound policy and strategy, and to legalistic commercial aims. It is an effort frankly directed to the increase of American trade upon the axiomatic principle that the Government of the United States shall extend all proper support to every legitimate and beneficial American enterprise abroad." The phrase gained great currency, 1910-13, largely from its alliterative qualities, but also from debate as to the merits of such a policy, in which debate the opposition may be said to have carried the day. Dollar diplomacy fell into disrepute in the United States for awhile, but has been revived in a potent way in 1939 by the F. D. Roosevelt administration through the operations of the Government's Export-Import Banks and its political loans to Brazil and Nicaragua.

SAMUEL FLAGG BEMIS

Dollar Mark, THE. The origin of the dollar mark, the familiar \$ symbol, has long been a subject of public interest. Popular belief ascribes it to a mark on government mail bags standing for

U S or Uncle Sam, or to the pillars of Hercules on the Spanish dollar⁹⁹. It might easily be a conversion of the old Spanish symbol for the Spanish dollar. Most probably it is a conventionalized combination of the letters p s for pesos. Such a mark was used by a government clerk as early as 1788, and the present symbol came into general use shortly after this time.

[J. A. James, *Oliver Pollock*.]

NEIL CAROTHERS

Dolphin Admiralty Case, THE, elaborates the continuous voyage⁹⁹ doctrine. The *Dolphin*, contraband laden, was obviously destined for the Confederacy. Nevertheless, when captured, March 25, 1863, she was between neutral ports of call. Judge William Marvin, at Key West, held all segments of a voyage, such as the *Dolphin's*, illegal provided the voyage "would be illegal if not so divided."

[John Bassett Moore, *International Law Digest*.]

JIM DAN HILL

Domain, Eminent. See Eminent Domain.

Domain, Public. See Public Domain.

Domestic Relations, Courts of, grew out of the necessity for dealing with legal problems involving child and parent relations, and parent to parent relations which were held to cause or contribute toward the delinquency of children. At first the juvenile courts⁹⁹ handled all such cases. In the first decade of the 20th century it became clear that there is a vast number of problems of family relations which need intelligent, scientific adjustments by legal process. Thus the courts of family relations were evolved by degrees and finally established as a permanent part of our judicial system. These courts deal with family maladjustments, desertion, immorality, child and family neglect, illegitimacy, social disease as it affects family life, divorce, impairing the morals of minors, and similar problems.

[Jonah J. Goldstein, *The Family in Court*; Reports of the National Probation Association.]

CAROL ARONOVICI

Dominican Republic, Proposed Annexation of (1868-71). In 1868 Buenaventura Baez, dictator of Santo Domingo, asked the United States to assume a protectorate of the Negro republic preliminary to annexation. Secretary Seward first discouraged but later approved the plan; but the Johnson administration took no action. President Grant took up the project with enthusiasm. Grant's private secretary, O. E. Babcock, was sent

to the island in 1869 and signed a treaty of annexation and an agreement for a naval station at Samaná Bay, to be used if the treaty should fail. In the United States Senate, annexation met strong opposition led by Sen. Charles Sumner, Chairman of the Foreign Relations Committee, an opposition which resulted in a definite break between the President and Sumner. Grant induced Congress to send a commission to the island to investigate, but the Senate in April, 1871, tabled its report and the project was dead.

[Sumner Welles, *Naboth's Vineyard*.]

CHESTER LLOYD JONES

Dominican Republic, Relations with (1904-37). In 1904 the Dominican government was practically bankrupt. An arbitral award had given possession of one of its customhouses to American creditors, and others were in imminent danger of seizure by European governments whose nationals had liens upon them. The government therefore entered into a *modus vivendi* with the United States, under which all of its customs revenues were collected by American officials, who set aside 55% of the proceeds for the benefit of the creditors. A treaty signed in 1905, providing for American assistance in adjusting the debt, was not ratified by the United States Senate, but a later treaty, signed Feb. 8, 1907, was approved. This provided for an American customs receivership to secure a funding loan floated by American bankers. A plan of adjustment had meanwhile been worked out with the aid of the Department of State and accepted by the Republic's creditors.

For a time, political conditions were better and the country was prosperous, but a new period of disorder started after the murder of President Cáceres in 1911. The United States Government protested against the continual increase of the floating debt, which it considered a violation of the treaty of 1907. It several times threatened armed intervention to restore peace, but conditions steadily became worse. Dominican officials rejected proposals for increased American financial control and for the organization of a police force under American officers. In May, 1916, after President Jiménez had been overthrown by his minister of war, Desiderio Arias, American marines occupied Santo Domingo City. They subsequently extended their control to other parts of the country.

After some months of unsuccessful negotiation with the new president, Dr. Henríquez y Carvajal, the United States established a military government on Nov. 29, 1916. American naval officers superseded the president and the mem-

bers of his cabinet. Order was established, though with some difficulty, and a program of public works was inaugurated. The occupation was bitterly opposed by the Dominican people. Charges of atrocities in suppressing a revolt were investigated by a committee of the United States Senate in 1921.

President Wilson directed, in December, 1920, that preparations be made for the withdrawal of the military government, and an agreement as to procedure was worked out with a group of Dominican political leaders in June, 1922. This group selected a provisional president, to whom the military governor delegated sufficient authority to permit the holding of elections. In July, 1924, Gen. Horacio Vásquez was inaugurated as constitutional president, and the American forces were withdrawn. The new government agreed by treaty to recognize the validity of the more important acts of the military government.

The treaty of 1907, which had remained in effect, was replaced in 1924 by a new treaty, very similar in its general provisions. This made it possible for the republic to contract new foreign loans which are still outstanding. The American customs receivership is therefore still (1939) in existence.

[Sumner Welles, *Naboth's Vineyard*, M. M. Knight, *The Americans in Santo Domingo*.]

DANA G. MUNRO

Dominicans, or Order of Friars Preachers, were represented in America by early missionaries, an occasional priest like William O'Brien of St. Peter's Church, New York, and the first two Catholic bishops of New York, Doctors Luke Concanen and John Connolly, but their first organized community was founded in 1806 at St. Rose near Springfield, Ky. Here they had been brought from England by Friar Edward D. Fenwick, a native Marylander of old stock, who had hoped to establish his society on his paternal estates but who agreed with Bishop John Carroll as to the missionary needs of the frontier. At St. Rose, Fenwick established the first school for boys west of the Alleghenies. A dozen years later, he founded the first Catholic church in Ohio at Somerset, and himself became the first bishop of Cincinnati, thus extending the labors of his religious brothers in Kentucky and Tennessee and throughout the Northwest. As early as 1851, the Dominicans were established in California, where one of their number, Joseph Alemany, was named bishop of Monterey in 1850 and later promoted to the archiepiscopal see of San Francisco (1853-84). From California, the order established churches in Oregon and Washington.

Growth was slow, and the Dominicans were

not ready to undertake churches and foundations in the East until 1852 in Washington and 1867 in New York. At present (1939) there are about a thousand Dominican priests and brothers in the United States who are chiefly engaged in parish and missionary work, in preaching, in teaching in their own provincial seminaries, in two large high schools in Columbus and Chicago, and in Providence College in Rhode Island. Outstanding contributions of the order have been the foundation and advancement of the Holy Name Society⁷, which enrolls almost 2,000,000 men throughout the country, and the interpretation of scholastic philosophy and the promotion of its study.

[V. F. O'Daniel, *Charles H. McKenna; Bishop Edward D. Fenwick; Bishop Richard Prus Mules, Samuel Thomas Wilson; J. B. Walker, The College Idea in the History of the Dominican Province, Catholic Historical Review*, October, 1937.]

RICHARD J. PURCELL

Dominion of New England. See New England, Dominion of.

Donation Lands were lands given by states or the Federal Government to reward citizens for services or to encourage settlement in remote or dangerous regions. The term was probably first used for the lands in northwestern Pennsylvania granted in 1785 as bounty for Revolutionary soldiers. In 1842, 1850 and 1854 Congress passed Donation Acts for the territories of East Florida, Oregon, Washington and New Mexico. In all more than 3,000,000 acres of the public domain⁸ were thus given to settlers.

[Thomas Donaldson, *The Public Domain*.]

OLON J. BUCK

Donelson, Fort, Capture of (Feb. 15, 1862). In January, 1862, the Confederate line of defense in the West extended from Cumberland Gap westward across Kentucky to Columbus on the lower Ohio. The defeat at Mill Springs⁹ in eastern Kentucky and the projected Union movement against Forts Henry¹⁰ and Donelson forced a withdrawal into Tennessee to protect the threatened points. After the capture of Fort Henry, early in February, 1862, Fort Donelson, twenty miles westward on the Cumberland River, was the only remaining obstacle to a Union advance all along the line. Grant (U.) proposed to destroy the fort, but difficulties imposed by terrain, rain and cold weather delayed him more than the weak, muddled and disorganized Confederate opposition.

On Feb. 13 Grant's troops assaulted Fort Donelson unsuccessfully. The following day the river

gunboats bombarded the fort, but were driven off. The next morning the Confederates counter-attacked without great success. The failure to cut their way out induced the Confederate commanders to request the "best terms of capitulation," to which Grant replied: "No terms except unconditional and immediate surrender can be accepted." During the night of the 15th the fort and over 14,000 men were surrendered.

[A. L. Conger, *The Rise of General Grant*.]

THOMAS ROBSON HAY

Donelson's Line, between Virginia and the Cherokees¹¹, was run in 1771 by Col. John Donelson, of Virginia, to establish the boundary agreed upon in the Treaty of Lochaber¹². The line was run from a point on the Holston River six miles above Long Island¹³, and by the terms of the treaty it was to run to the mouth of Kanawha River. Along with Donelson were Chief Attakulalulla and Alexander Cameron representing the Cherokees. In some devious way, imputed to Superintendent John Stuart only by inference, the line was fixed and reported to London to run with the Kentucky River. Thus the Virginians found encouragement to settle above Kentucky River.

[S. C. Williams, *Dawn of Tennessee Valley and Tennessee History*.]

SAMUEL C. WILLIAMS

Dongan Charters, THE. Gov. Thomas Dongan granted to New York and Albany charters for city governments which with some changes have continued to the present time. Gov. Richard Nicolls in 1665 chartered New Harlem and Manhattan as a city with a mayor, aldermen and minor officers. The mayor and aldermen of New York City in 1683 petitioned Gov. Dongan for a new charter, which was granted Dec. 6, and set up a government consisting of a mayor, six aldermen, six common councillors, recorder, clerk, sheriff, treasurer, coroner, constables, overseers, assessors and courts. This charter was signed by Dongan on April 27, 1686, and recorded a month later. Meanwhile the village of Albany petitioned Dongan for a city charter. Peter Schuyler and Robert Livingston were sent to New York to obtain the charter, which Dongan signed July 22, 1686. It fixed the boundaries, set up a government like that in the city of New York, conveyed large franchises and went into effect at once. Dongan also granted charters to towns on Long Island, and Schenectady to the northward.

[A. E. McKinley, *The Transition from Dutch to English Rule in New York, American Historical Review*, VI, 693-724.]

A. C. FLICK

Doniphan's Expedition. After the capture of Santa Fé^m in 1846 Col. Alexander W. Doniphan, commander of the First Regiment of Missouri Mounted Volunteers, which was part of Gen S. W. Kearny's command, was ordered to lead an expeditionary force southward. Doniphan first brought the New Mexican Indians to terms, then, on Dec. 12, with 856 men, he began his march from Valverde on the Rio Grande. On Christmas Day he defeated a force of 600 Mexicans at El Brazito. The village of El Paso was occupied two days later. On Feb. 8, 1847, now reinforced, Doniphan set out with 924 men for Chihuahua. Twenty miles north of Chihuahua City, Feb. 28, the Americans met over 3000 Mexicans under Gen. Pedro García Conde. Again Doniphan was victorious, in the battle of the Sacramento, and the city was occupied the next day. In the spring the bulk of the expedition marched eastward, and on May 22 joined Gen. John E. Wool's army near Saltillo. Together with the later Chihuahua expedition of Col. Sterling Price, 1817-18, Doniphan's campaign contributed to the demoralization of Mexican frontier defense.

[J. H. Smith, *The War with Mexico*; W. E. Connelley, *Doniphan's Expedition*; G. R. Gibson, *Journal of a Soldier under Kearny and Doniphan*; J. T. Hughes, *Doniphan's Expedition*.]

RUFUS KAY WYLLYS

Donner Party (1846-47), of California emigrants, whose nucleus was the Donner and Read families from Sangamon County, Ill., was blocked by winter snows while following an unfamiliar route south of the Great Salt Lake^m. Camping at Truckee Lake in November, 1846, the party suffered indescribable hardships, the survivors escaping starvation only by eating the flesh of those who died. During the winter, successive rescue parties from California broke through, and led out, with heavy loss of life, those who were able to travel. In the end, forty-seven out of eighty-seven survived.

[G. R. Stewart, Jr., *Ordeal by Hunger*.]

PAUL M. ANGLE

"Don't fire till you see the white of their eyes." The origin of this alleged command to the patriots at Bunker Hill^m, June 17, 1775, may have been Col. Prescott's order (powder being scarce) to reserve fire and aim low. It is said to have been passed on by Israel Putnam in these words: "Men, you are all marksmen—don't one of you fire until you see the white of their eyes."

[R. Frothingham, Jr., *Siege of Boston*.]

CHARLES K. BOLTON

"Don't give up the ship" were the immortal words spoken by James Lawrence, commander of the American frigate *Chesapeake*^m, after falling fatally wounded in the engagement with the British frigate *Shannon*, thirty miles off Boston harbor, on June 1, 1813. The *Chesapeake* was captured, and Lawrence died four days later. When Commodore Oliver Hazard Perry won his famous victory over the British on Lake Erie^m, Sept. 10, 1813, he flew at the mainmast of his flagship a blue battleflag inscribed with Capt. Lawrence's dying words.

[A. Gleaves, *James Lawrence, Captain, United States Navy*; T. Roosevelt, *Naval War of 1812*.]

LOUIS H. BOLANDER

Dorchester (Mattapan), Mass., was founded in June, 1630, by the vanguard of the Great Migration which came in the *Mary and John*^m. This group represented the interests of the older Dorchester Company within the newly formed Massachusetts Bay Company^m, and was a distinct, minority element in the Bay settlement. A large part of the group removed to Connecticut in 1635-36 (see River Towns).

R. V. COLEMAN

Dorchester Company, THE. Certain Western Merchants, having ships sailing from Weymouth to fish "off the Banks," in 1622 decided that a settlement on the coast of New England would be to their advantage because they had to "double-man" their ships to have, besides the crews, enough men for the fishing; the latter could be left on shore with sufficient provisions for the winter and employ their time, until the fishing-fleet returned, in building, curing fish, trapping fur-bearing animals and planting corn.

The Rev. John White, rector of Holy Trinity, Dorchester, England, was a prime mover in this enterprise, while at Oxford he imbibed the principles of the "Early Puritans," who believed the church could be purified from within, and therefore had little sympathy with the rigid Separatism of the Plymouth Colony^m, where all who joined their fellowship must denounce publicly the church, its ceremonies and its form of government. Not only could a clergyman of his persuasion reside on this new plantation to attend to the spiritual welfare of the settlers, but here would be a refuge for those likely to suffer from the strict enforcement of discipline in the church, already foreshadowed by Bishop Laud's actions.

The Western Merchants, represented by "Richard Bushrod and his Associates," obtained from the Council for New England^m on Feb. 20,

1622/3, a license, signed by Sir Ferdinando Gorges and others, to search for a site for their colony and a month later one associate, Sir Walter Erle, became a patentee. It was required of planters that they should reside for three years and build churches, schools and other public buildings before they could be incorporated by the Council.

A situation considered suitable being found, the promoters of the scheme met on May 26, 1624, at Dorchester, under the auspices of Sir Walter Erle and Rev. John White. Whiteway, a Dorchester merchant, in his diary described this meeting as the "New England Planters Parliament" and Sir Walter as the "Govenour of the New England Plantation." A joint-stock company was formed, £3000 subscribed and more promised. A ship, the *Fellowship*, was purchased, fitted out and despatched. In September, 1625, she made her home port with a cargo of "dry fish, corfish, train-oil, quarters of oak, and skins of fox, racons, martyns, otter, muskutache and beaver." Two ships were sent out next year; and three, one laden with kine, in 1625/6.

By that time about fifty men had been left at Cape Ann, and some men from Plymouth Colony who disliked the Separatist rule there joined them; among these were Rev. John Lyford and Roger Conant. Their experience as colonists was useful to the plantation; yet that undertaking did not flourish, chiefly because the place for fishing, and the "landsmen," were ill-chosen, for "fishermen would not work on land neither husbandmen make good fishermen."

The three years of residence had elapsed and the site proved unsuitable so, on Conant's advice, all who wished to remain in New England were transferred to Nahum Keike, afterwards named Salem^{av}. Great losses had about ruined the company, so it was decided to wind up its affairs and establish a new company. John White meanwhile undertook to provide the necessary supplies to the Nahum Keike colonists.

An appeal was made to certain London merchants holding similar views on religion and a new joint-stock company—the New England Company^{av}—was formed, and Capt. John Endicott was sent out to act as governor. It was upon the foundations laid by the Dorchester Company that the Massachusetts Bay Company^{av} was reared.

[John White, *The Planters Plea*; Frances Rose-Troup, *John White, Patriarch of Dorchester, Dorset, and Founder of Massachusetts*, and *The Massachusetts Bay Company and Its Predecessors*.]

FRANCES ROSE-TROUP

Dorr's Rebellion. As late as 1841 Rhode Island^{av} was still using as her constitution the char-

ter granted by King Charles II in 1663. This out-of-date government was not in step with the trend toward democracy which was characteristic of the times. The limitation of the suffrage^{av} to the owners of freehold estates and their oldest sons disfranchised more than half of the adult male population. For some years the masses, under the leadership of Thomas W. Dorr, had been clamoring for a wider participation in the government. Finally a mass meeting of the malcontents took the initiative in calling a convention, which met (October, 1841) and drew up a constitution known as the "People's Constitution." The active discontent of the people convinced the conservatives that some concessions would have to be made. Accordingly, a convention chosen by the qualified electors met (November, 1841) and framed a constitution, called the "Landholders' Constitution." Both of these constitutions provided for an enlargement of the suffrage, but the voting franchise was to be somewhat more liberal under the "People's Constitution" than under the "Landholders' Constitution." The former constitution was submitted to the people for ratification (December, 1841), and all adult male citizens were asked to take part in the election. The constitution was ratified by a majority of those who had voted. The "Landholders' Constitution" was submitted (March, 1842) to those who were qualified to vote under its provisions. It was rejected by a small margin and the regular government continued to function under the charter. In the spring of 1842 a new government was organized under the "People's Constitution" with Dorr as governor. As the insurgents were preparing to uphold their authority by force, Gov. King appealed to President Tyler to lend military assistance in his effort to put down revolt. Tyler recognized the legality of the old or charter government, and promised aid if violence should be committed by the insurgents. He urged both sides, however, to settle their differences without a resort to force. This advice was not heeded and Gov. King sent the state militia to attack the Dorrites, who were fortified in the northwestern part of the state. Many of Dorr's followers fled without a fight and he surrendered himself to the authorities. A sentence of life imprisonment was imposed upon Dorr, but this was afterwards rescinded. The conservatives had the good sense to yield to the demands of the people, and so a third constitution was adopted which provided for manhood suffrage with slight restrictions.

[James D. Richardson, compiler, *The Messages and Papers of the Presidents*, IV, 283-307; A. M. Mowry, *The Dorr War*.]

O. P. CHITWOOD

Double Taxation usually refers to the practice of Congress and the states taxing the same persons or property at the same time. Since the adoption of the Federal corporation tax^m in 1909, the amount of double taxation has increased enormously, and often the sums collected by the National Government have tended to exceed the amounts collected by the state itself from the same sources. Resulting dissatisfaction has led to a concerted effort, by representatives of Congress and the states, to determine and set aside respective fields of taxation for the National Government on the one hand, and for state and local governments on the other.

[*U S Daily*, July 7, 1932, pp. 851 ff.; Feb. 6, 1933, pp. 211 ff., March 27-April 1, 1933, pp. 43 ff., April 29-May 6, 1933, p. 125; *The Book of the States*, I, 3rd ed., 1935, Chap. 7, II, 1937, Bk. 2, Chap. 6, 9]

P. ORMAN RAY

Doubloon was a Spanish gold piece, so called because double the value of a pistole^m. Its value varied from \$8.25 in the period 1730-72, \$8.00 during the American Revolution and later, to about \$7.84 from 1786 to 1848. It was freely used in the West Indies and South American trade, and Southerners in the United States in the colonial period often had their cash assets in Spanish gold.

[Alexander Del Mar, *History of Money in America*.]

CARL L. CANNON

Doughboy. The word "doughboy" is universally used in the United States Army to mean an infantryman, and specifically an American infantryman. When it was first used is uncertain, but it can be traced with certainty as far back as 1854, when it was already in current use on the Texas border. The contemporary explanation then was, that the infantrymen wore white belts, and had to clean them with "dough" made of pipe clay. Originally a term of opprobrium used by the mounted service, it has now been adopted by the infantry themselves, and is used by them with great pride.

[Unpublished memoirs of Maj. Gen. Zenas R. Bliss, in Army War College Library, Washington.]

OLIVER LYMAN SPAULDING

Doughfaces were Northern people who, before the Civil War, supported Southern policies relative to territorial expansion and slavery. The word was coined in 1819 by John Randolph of Virginia as a term of contempt for members of the House of Representatives from the North who voted against the proposed Tallmadge

Amendment^m to prevent the further introduction of slavery into Missouri.

[Homer C. Hockett, *Political and Social History of the United States, 1492-1852*.]

C. H. HAMLIN

Dove, THE. See *Ark and the Dove, The*.

Draft. Conscription^m enrolls able-bodied men for military service. The choosing of those to service is the draft. During the Civil War selection was effected by dividing Northern loyal states into districts roughly corresponding to congressional districts. The act of March 3, 1863, exempted the palpably unfit, a few officials, and sole supporters of aged parents and orphaned children, and authorized release from service to any one furnishing a substitute or paying \$300. The draft claimed both citizens and alien declarants from the ages 20-35, and unmarried ones to 45. Drawings were made with army officers as local functionaries. Prior militiamen and Federal volunteers were credited to states, and quotas established. Lists were posted and advertised, with corrections invited. Names transcribed on cards were then placed in revolving cylinders at district draft headquarters and drawn out until the number of men demanded was secured. Drawings were not simultaneous, but were made as each state was ready, commencing with Rhode Island on July 7, 1863, and except for a few objections and purely local draft riots^m proceeded smoothly. Enrollments began on May 25; investigators and engrossers worked to complete and verify until midsummer when altogether 3,112,279 were listed. Later drafts were made in April, 1864, September, 1864, and February, 1865. Excepting California and Oregon, all loyal states participated in one or all of these, some being exempted from one or another because of calculated quotas already exceeded. For example, for the 1865 call Connecticut, Massachusetts, Rhode Island and Iowa completely escaped, New Hampshire and Vermont were called upon to furnish only eleven and twelve men respectively. An act of July 4, 1864, abolished the discriminating and irritating cash payments in lieu of service (*see* Substitutes, Civil War). From total quotas of 2,759,049 considered available, these four drafts produced directly about 170,000 men, including 120,000 substitutes. Simultaneously recruiting under the bounty^m system during the same period approximated 1,000,000 volunteers whose names and numbers were credited to state quotas. Indeed, although Gen. Grant considered conscripts far better than the mercenary, undependable "bounty" men, it was felt that "the spur of an impending draft" acted to "stimulate recruiting" and the

draft announced Jan. 5, 1864, was frankly conditioned upon quotas not being previously filled by recruiting; 489,462 volunteered for a draft of 407,092. Quotas, however, were by states; half of these were unfilled; and twelve states held drafts. There was also great inequality between districts within states, but a majority of the governors decided against concentrating on backward districts. Their political minds eschewed potential sore spots and took advantage of less troublesome neighborhoods. However, the Union Army got its necessary replacements to pin Lee against Richmond while Sherman swept through Georgia and up through the Carolinas to break the backbone of the Confederacy, whose own conscription system, at first effective, had now completely broken down (*see* Confederacy, Conscription in the).

Draft under the Selective Service Act of 1917 was throughout carried along with more localized civilian control, and, because the administration which entered the war had been the "peace" party at the preceding political election, it secured phenomenal popular support. Except for temporary recruiting for Navy and Marines, and to fill up the Regular Army and National Guard to about 900,000, volunteering was completely avoided. First age limits were 21-30; later 17-45. All males within the age limits were registered, citizens and declarants alike; exemptions were for alienage, physical unfitness and conscientious scruples in organized religion. Under three calls, June 5, 1917, June 5 and Aug. 24, 1918, and Sept. 12, 1918, men totaling 23,908,576 were registered, producing an access of 2,666,867 draftees. Prior volunteering was not recognized, as in the Civil War, as credit for quotas demanded, but was considered when apportioning quotas between districts. Through state governors, civilian boards were appointed for each county and one for each 30,000 inhabitants in large cities (totaling 4648 local boards) and similar district boards to handle appeals and co-ordinate policies in each Federal judicial district (totaling 155). This was "on the principle of their peerage with the men whose cases they were to decide." Locally appointed medical advisory boards were similarly selected and late in 1918 industrial advisory boards. So speedily was organization effected that within a week of the President's request legal advisory boards were in operation, involving selection and installation of 119,282 members. Approximately one fifth of the district board members served without remuneration. The willing co-operation of the American people in this draft was phenomenal.

Registrants were numbered in each district,

though the order of call was not determined locally but by drawing in Washington simultaneously the "call-numbers" for the parallel series through the country. Local boards then notified their draftees, examined them, and shipped the proper number to camp. From the first it was realized that effort must be made to avoid interfering with essential industries. Most of the local and district board effort was therefore directed to retaining at home men indispensable in industries and workers in industries producing war materials, and sending for service those least necessary to home or work "to the end that the whole nation may be a team in which each man shall play the part for which he is best fitted." No rioting or disturbance marred this draft. A few professional radical agitators were silenced (*Goldman v. U. S.*, 245 U. S. 474). Conscientious objectors⁷⁷ were handled with kid gloves and almost all assumed noncombatant duties upon call, or soon after. Federal courts sustained the law (*Arver v. U. S.*, 245 U. S. 366) and clarified points regarding aliens (*Angelus v. Sullivan*, 246 Fed. 54). Half the male population was registered, 60% of our armed forces were raised by draft compared to the 2% during the Civil War. A Regular Army and National Guard strength in 1917 of about 200,000 was, by volunteering and by "selection" for the National Army⁷⁸, increased to 3,757,624 in eighteen months. This was accomplished by national solidarity, wise legislation, administrative genius, and intelligent and enthusiastic local co-operation.

[F. A. Shannon, *Organization and Administration of the Union Army*; A. B. Moore, *Conscription and Conflict in the Confederacy*; John Dickinson, *The Building of an Army*.]

ELBRIDGE COLBY

Draft Riots. Although there were minor disturbances connected with personal enrollments or "conscription"⁷⁹ under the act of March 3, 1863, actual violence awaited the draft⁸⁰ itself. Minor riots occurred in Rutland, Vt.; Wooster, Ohio; Boston, Mass.; and Portsmouth, N. H.; but none equaled in length or destructiveness those in New York City. Fanned by Democratic opposition to the war, indiscreet remarks by Gov. Horatio Seymour, and arguments alleging constitutional liberties, objection to the draft in New York rested chiefly on the provision for money payments in lieu of service (*see* Substitutes, Civil War), which distinguished between rich men's money and poor men's blood. Shortly after the drawing of lots commenced on July 13 at the Ninth Congressional District draft headquarters, a mob, mostly of foreign-born laborers, stormed the building, overpowered attendants, police,

firemen and militia, attacked residences, other draft district headquarters, saloons, hotels and restaurants and even railway tracks, and for four days the city was a welter of conflagrations, assaults and defiances, costing a thousand casualties and \$1,500,000 property loss. On July 15 militia regiments sent toward Gettysburg⁷ began to return and order was restored. Picked troops from the Army of the Potomac⁸ were brought in and on Aug. 19 drawings proceeded peaceably.

[J. F. Rhodes, *History of the United States*, Vol. IV.]
ELBRIDGE COLBY

Drago Doctrine. THE After European powers undertook by force of arms to compel Venezuela to pay certain claims, in a note dated Dec. 29, 1902, Luis M. Drago, Argentina's minister of foreign relations, sent a protest to Washington. Drago held that in making loans to a foreign state, a capitalist considered conditions and made the terms correspondingly hard. He reasoned that a sovereign state could not have proceedings instituted against it. The payment of its debts was binding, but it had the right to choose the manner and the time of payment. He denounced armed intervention as a means of collecting debts incurred by an American nation, for the collection of debts by military means implied the occupation of territory in order to make such coercion effective. The public debt of an American state, he maintained, did not justify "armed intervention, nor even the actual occupation of the territory of American nations by a European power" (See also Calvo Doctrine).

[J. H. Latané, *A History of American Foreign Policy*.]
WILLIAM SPENCE ROBERTSON

Drainage of Farm Lands. Using imported tiles, John Johnson, of Geneva, N. Y., laid the first tile ditch in 1835. On the prairies, ditches were made by "mole plows" from 1850 to 1870. In 1930, \$211,000,000 were invested in 23,000,000 acres of reclaimed swamp lands⁹, notably in the South, \$364,000,000 in 53,000,000 acres of farm lands improved by systematic drainage, one half being in Indiana, Michigan and Ohio. The lowly ditch digger has probably doubled agricultural production in the United States.

[Solon Robinson, *Facts for Farmers*, Vol. II; *Fifteenth Census of the U. S., Drainage of Agricultural Lands*.]

HARVEY L. CARTER

Drake at California. Francis Drake, in 1577, left England with an expedition designed to open Oriental and Pacific trade and to deliver a blow at Spanish commercial and colonial mo-

nopoly. After harassing the Spaniards in the Atlantic, Drake passed through the straits of Magellan, and, in his one remaining ship, the *Golden Hind*¹⁰, coursed the Pacific coast, plundering as he went. Prevented by unfavorable winds from sailing west to his goal, the Moluccas, Drake, in June, 1579, entered a "convenient and fit harborough," apparently Drake's Bay, Calif., to repair his ship. Claiming the land for England and naming it New Albion, Drake remained thirty-six days, meantime exploring and establishing friendly relations with the Indians. Before departing for the Moluccas, he left nailed to a "firm poste" a brass plate, as evidence of England's claim. In 1936 the very same plate, apparently, was discovered on the western shore of San Francisco Bay, where it had been discarded not long before, its value unrecognized, after having been brought from the vicinity of Drake's Bay.

[H. R. Wagner, *Sir Francis Drake's Voyage Around the World: Its Aims and Achievements*; Sir Francis Drake, *The World Encompassed*, *Hakluyt Society Publications*, XVI.]

CHARLES EDWARD CHAPMAN and
ROBERT HALE SHIELDS

Drake's Oil Well. E. L. Drake of New Haven, Conn., was sent by a company to Titusville, Pa., in 1858, and some time afterward began the experiment of drilling for petroleum, the first venture of the sort in America (see Oil Industry). He had many difficulties, his partners lost faith in the project and his own resources were strained to the limit when, on Aug. 28, 1859, he found oil at sixty-nine and one-half feet depth. It rose to within ten feet of the surface, and for some time forty barrels were pumped daily, selling at \$20 a barrel. The "strike" caused nation-wide excitement and precipitated a rush to the oil field.

[*History of Venango County, Pa., and of Petroleum*; William T. Brannt, *Petroleum*.]

ALVIN F. HARLOW

Drama, The American. The first play written by an American and produced professionally was *The Prince of Parthia*, a tragedy, by Thomas Godfrey, put on at the Southwark Theatre in Philadelphia, April 24, 1767. The second play and the first comedy was *The Contrast*, by Royall Tyler, produced at the John Street Theatre, New York, April 16, 1787. In it Tyler created the stage Yankee. The drama had been used as Whig and Tory propaganda during the Revolution, but was not acted except by amateurs. The first dramatist to write consistently was William Dunlap, who through his original plays, *The Father*, *André*, *Leicester* and his adaptations of French and German drama, made a brave attempt to write and produce plays of high character with,

however, financial bankruptcy in 1805 as his reward.

From 1805 to 1825 James Nelson Barker of Philadelphia and John Howard Payne of New York represented respectively the play on native and on foreign themes. Barker's *Indian Princess*, on the Pocahontas theme, his *Superstition*, a tense tragedy of New England witchcraft⁹⁹, Payne's great tragedy of *Brutus* and his brilliant comedy, *Charles the Second*, remain the best of the many plays that were written at that time. Beginning in 1831 with Robert Montgomery Bird's *The Gladiator*, which Forrest acted for over forty years, a creative period of romantic plays produced such masterpieces as Bird's *Broker of Bogota*, Nathaniel P. Willis' *Tortesa*, and Robert T. Conrad's *Jack Cade*, the period culminating in George H. Boker's *Calaynos*, *Leonora de Guzman* and *Francesca da Rimini*. It is not usually recognized that while these romantic plays were laid on foreign soil, the spirit of democracy so characteristic of this period in America animated many of them. More definitely inspired by native events, over 150 plays dealing with American history were produced between 1825 and 1860. They dealt with the Indian, colonial events, the Revolution, the War of 1812, and put on the stage contemporary movements like the Mormon emigration and the California gold rush⁹⁹. During this period also the Yankee play, the play of society like Mrs. Mowatt's *Fashion* and the play of domestic life, like *Rip Van Winkle*⁹⁹, were continued and developed.

A period of transition from 1860 to 1890 was dominated by Augustin Daly, who both in his original plays like *Horizon*, *Pique* or *Divorce* and in his production of the work of American playwrights, began the modern period. In Bronson Howard's *Saratoga*, *Young Mrs. Winthrop*, *Shenandoah* and *The Henrietta*, the realistic presentation of American life was emphasized. Edward Harrigan's plays of New York City life, James A. Herne's domestic comedies like *Shore Acres* or his fine tragedy *Margaret Fleming*, William Gillette's comedies of action, *Held by the Enemy*, or *Secret Service*, Augustus Thomas' *Alabama*, *Arizona*, *The Witching Hour*, *As a Man Thinks* and Clyde Fitch's social comedies, *The Climbers*, *The Truth*, *The Girl with the Green Eyes*, carried on the effort to portray American scenes and characters. Meanwhile David Belasco in collaboration with John Luther Long kept alive the spirit of romance with *Madame Butterfly* and *The Darling of the Gods*.

The 20th century saw the profound study of American spiritual contrasts in William Vaughn Moody's *The Great Divide* and *The*

Faith Healer, Percy MacKaye's magnificent examples of community drama, *St. Louis* and *Caliban*; the dramatization of the woman's point of view in the work of Rachel Crothers, the penetrating study of divorce in Langdon Mitchell's *The New York Idea*. After some earlier experiments, Eugene O'Neill, poet and mystic, began in 1920 his profound study of the human soul striving for higher things, in *Beyond the Horizon*, continuing in *Anna Christie*, *The Emperor Jones*, *The Great God Brown*, *Strange Interlude*, *Lazarus Laughed* and *Mourning Becomes Electra*, to shatter theatrical rules, and become the foremost playwright of his time, and win the Nobel Prize for Literature. The third decade saw the establishment of a group of playwrights who still (1939) remain the most significant. Maxwell Anderson, like O'Neill, has stood for poetic drama, of which *Mary of Scotland* and *Winterset* are the best examples; Philip Barry has lifted social comedy in *Paris Bound* and tragedy in *Hotel Universe* to a high level; Sidney Howard has portrayed the liberal in his or her fight for the right to live in *The Silver Cord* or celebrated the triumph of science in *Yellow Jack*; Marc Connelly has created a spiritual masterpiece in *The Green Pastures*; George Kaufman has contributed admirable comedies, usually in collaboration; the drama of the provinces has given rise to distinguished work by Paul Green, Lula Vollmer and others. No new group of the same eminence has risen in the fourth decade, although there are several playwrights of promise. But the American drama, which has survived unfair copyright laws, foreign competition, social and theological intolerance and managerial stupidity for 170 years, will survive the competition of the moving picture⁹⁹ and continue to be an unending source of material to the American historian.

[A. H. Quinn, *A History of the American Drama from the Beginning to the Civil War*, and *A History of the American Drama from the Civil War to the Present Day*. 2 vols., Revised edition.]

ARTHUR H. QUINN

Draper's Meadows, the first settlement west of the great Allegheny "divide," was made in 1748 in the New River section by John Draper, Thos. Ingles and other Scotch and Irish immigrants from Pennsylvania. On July 8, 1755, the settlement was destroyed by a party of Shawnee Indians⁹⁹. Mrs. William Ingles was carried into captivity on the lower Ohio River, but made her escape and returned over 700 miles on foot. The site of the massacre is the present Blacksburg, Va.

[J. P. Hale, *Trans-Allegheny Pioneers*.]

JAMES ELLIOTT WALMSLEY

Drawbacks. On re-export, even though changed by manufacture, of imports within (generally) three years, 99% of duty paid is refunded. Similarly, when domestic alcohol is exported in some forms, internal revenue taxes are refunded. Drawbacks are paid on some domestic exports if producer can show prior import of such materials.

[*Dictionary of Tariff Information*; Tariff Act of 1930.]

FRANK A. SOUTHARD, JR.

Dreadnoughts were a type of battleship which derived their name from the British warship *Dreadnought*, launched in 1906. This ship, which marked a new era in naval construction and made obsolete every battleship afloat, excelled her predecessors in displacement and speed, as well as in number of heavy caliber guns and penetrative power. She had a displacement of 17,900 tons, a speed of 21 6 knots, a cruising radius of 5800 sea miles, and was protected by eleven-inch armor. She was the first battleship to be driven by turbines. Her main battery consisted of ten twelve-inch guns, making her the first all-big gun ship in the world. After her launching and until the World War, every battleship built with a main armament entirely of big guns all of one caliber was considered to be in the *Dreadnought* class.

The *Dreadnought* inaugurated a race in building battleships of this type between Great Britain, the United States and other naval powers. In this country, however, two ships of this type were designed and authorized in 1905, but were not launched until 1908. They were the *South Carolina* and *Michigan* of 16,000 tons displacement each, armed with eight twelve-inch guns. Fifteen others of this type were built by the United States before the outbreak of the World War, all of greater tonnage than the *Michigan* and *South Carolina*. On Aug. 29, 1916, Congress authorized a building program that included ten dreadnoughts. During the war this program was discontinued in favor of building destroyers for overseas duty, but was resumed after the Armistice⁹⁷. It was finally halted by the Washington Conference of 1922⁹⁸.

[William Hovgaard, *Modern History of Warships*; R. A. Fletcher, *Warships and Their Story*.]

LOUIS H. BOLANDER

Dred Scott Case, THE, was decided by the Supreme Court of the United States on March 6, 1857. The judgment in the case, as distinguished from the opinions delivered, was relatively narrow and of no great importance. The Court held that a Negro, a slave under the laws of Missouri,

had no constitutional right to sue in a Federal court to obtain his freedom. The importance of the case is derived from the broader issues discussed in the opinions, involving current political controversies. The Kansas-Nebraska Act of 1854 repealed provisions of the Missouri Compromise excluding slavery from the northern part of the Louisiana Purchase⁹⁹. This repeal, and subsequent strife in Kansas (*see* Border War), added to intense sectional bitterness over the issues of slavery⁹⁹. Southern leaders justified the new legislation in part by contending that Congress had never had the constitutional power to exclude slavery from the territories of the United States. Northern leaders hotly disagreed. The Supreme Court had not had an occasion to decide the constitutional question.

The Court at first arranged to decide the Dred Scott case without discussing the power of Congress over slavery in the territories. When it was learned, however, that two dissenting judges proposed to argue that Congress had the power in question, the majority decided to enlarge the scope of their discussion and deny the power. Some members hoped the pronouncement of the Court would settle the question, allay some of the strife, and perhaps save the Union. The seven majority judges wrote opinions. That of Chief Justice Taney is usually spoken of as the opinion of the Court, although on one of the contentions set forth in his opinion only two of his associates concurred. Dred Scott claimed his freedom on the ground that with the consent of his master he had resided in territory where slavery was forbidden. Taney held that, within the meaning of the Constitution, the Negro was not a "citizen" who had a right to sue in a Federal court by virtue of his citizenship. His argument may be summarized as follows:

First. When the Constitution was adopted Negroes were regarded as persons of an inferior order, and not as "citizens," and they were not intended to be included by the constitutional provision giving to citizens of different states the right to sue in Federal courts.

Second. Apart from the question as to whether any Negro could be a citizen in the constitutional sense, it was obvious that no slave could be such a citizen. Dred Scott had originally been a slave. He had not become free by residence in territory covered by the Missouri Compromise, since Congress had no constitutional power to enact the Missouri Compromise. Unless he had some other claim to freedom he was still a slave, and therefore not a citizen entitled to sue in a Federal court.

Third. Whatever the temporary effect of Dred

Scott's brief residence in the free state of Illinois, his status after his return to Missouri was determined by Missouri law. The Missouri courts had held that he was a slave. Therefore he was not a citizen, and could not sue in a Federal court.

On the first point Chief Justice Taney expressed an opinion which he had long held, and which he had submitted officially twenty-five years earlier when Attorney General of the United States. It was a drastic commitment, however, and although others of his associates probably agreed privately in the opinion only two of them concurred in the statement as necessary to the decision of the *Dred Scott* case. The holding was never repudiated by the Court itself, but it was superseded by that part of the Fourteenth Amendment⁷⁰ which declares that "All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside."

The conclusions with respect to the second point went to the heart of the controversy raging over the extension of slavery. The decision that Congress had no power to exclude slavery from the territories struck a heavy blow at the contentions of antislavery forces. Although the discussion of the question was logically relevant as phrased by Chief Justice Taney, the case might have been decided on the third point alone, without commitment as to the other two. Justices McLean and Curtis, in dissent, denounced the unnecessary breadth of the decision. The abolitionist⁷¹ press and hostile politicians followed suit in attacks upon the Supreme Court the bitterness of which has never been surpassed in any other period. The inflamed discussions probably did much to precipitate the Civil War⁷². The broad phrasing of the decision therefore had the opposite effect from that intended by those who planned it. Apart from the sectional issue, the case is important in that it was the first in more than half a century in which the Supreme Court held an act of Congress unconstitutional.

[Carl Brent Swisher, *Roger B. Taney*; Charles Warren, *The Supreme Court in United States History*; Frank H. Hodder, *Some Phases of the Dred Scott Case*, reprinted from *Missouri Historical Review*, Vol. XIV.]

CARL BRENT SWISHER

Dress. The dress of the first colonists, settled at Jamestown⁷³ in 1607, followed the rigid style current in England under James I (1603-25)—the doublet and hose. Boned and padded doublets tapered to the waist. High collars were topped with ruffs, sleeves finished with cambric or lace cuffs. Padded trunks accompanied long tight hose

and boots extended to mid thigh. Hats had low, high, or peaked crowns. Full cloaks hung from the shoulders. Swords were carried at the belt or suspended from a baldric. For warmth, leather jerkins were worn over doublets. The Dutch and English at Manhattan (1613) and Pilgrims at Plymouth (1620) wore the same dress grown more comfortable. Doublets were without padding. Trunks had become breeches. Ruffs, collars and turned-back cuffs were general. Boot tops were turned down. Pilgrims adopted heavy shoes, woolen stockings, and a high wide-brimmed hat of felt. The Puritans in Massachusetts (1630) wore the prevailing English dress under Charles I (1625-49). This was so modified, however, that Puritan costume resembled that of the Pilgrim. The more dashing form of this dress, the Cavalier costume, was adopted by the Virginians and neighboring Marylanders. Doublets were long-skirted, breeches fulled like knickerbockers. Slashed sleeves, wide sashes, lace collars and cuffs prevailed. High-crown, rolling-brimmed hats set off with plumes, long flowing hair and the pointed beard completed the picture. All women wore boned bodices finished with ruffs, collars or whisks. Skirts were full and long. Little hoods tied under the chin. Puritan dames wore steeple-crown hats. In winter, long cloaks with hoods, fur tippets and muffs were popular. By 1660 the doublet was transformed into the coat. With this came long waistcoats, cravats, garters, buckles and monstrous periwigs. Rich trimmings of braid, ribbon, ornate buttons, plumes and laces increased the display. Quakers in Pennsylvania (1682) eliminated all such finery.

In 1701 the hoop appeared. Colonial dames wore rustling gowns of silk and brocade. Bodices were cut low. Hair was ascending. Men's coats grew full-skirted with tails stiffly padded. Handsome silk and brocade waistcoats, lace cravats, powdered wigs, silk stockings and buckled shoes were the order of the day. The cocked hat had outstripped all others and the queued wig rose in popularity. Love of dress in these last days of colonial history was marked with extravagance. National leaders, among them Benjamin Franklin, condemned the display. About 1790 men were adopting tight breeches and top boots. Queued wigs gave way to the natural hair, powdered, and tied with a black ribbon. Folded stocks appeared. Lines of the coat also changed. The fronts now formed a long curve downward and back, meeting the tails. This was the typical coat of the Washington and Adams administrations.

In 1804 the French Empire was declared and with it the Empire fashion—the short waist and

flowing skirt. With this came the poke-bonnet and shoes without heels. In 1827 the leg-o'-mutton sleeve appeared and width of shoulder demanded bretelles and wide revers. Skirts shortened and displayed shoes with small heels. Shawls started on their career. In men's dress the long trousers had come to stay. Full-skirted or "frock" coats and the cutaway continued. Cravats swathed the neck. The broad-brimmed beaver in white and tan was the hat of the hour. In 1849 soft felts appeared, in 1871 the derby. About 1875 the "top hat" replaced the beaver. The frock coat, modified as the Prince Albert, the cutaway, and short business or "sack" coats were worn. Linen collars, bowties, scarfs and the four-in-hand flourished. Eighteen-fifty witnessed the approach of crinoline. This brought the hoop of the 1870's, the bustle, ulster and train of the 1880's, the boned basque and looped polonaise. Small bonnets and dolmans completed the outdoor dress. The gay '90's ushered in voluminous gored and circular skirts. Shoulders were correspondingly wide. High pompadours and large hats prevailed.

Toward 1900 various dress reform movements, the demands of business life and interest in athletics introduced, for the first time, the popular walking skirt, shirtwaists, tailored suits and comfortable shoes. To men's fashions were added sport suits, shirtwaists, woolen hose, low shoes and sport caps. Fashions now changed rapidly. Nineteen-ten saw the birth of the hobble skirt, then the basque dress, the tunic dress and the peg-top silhouette. The World War (1914-18) brought service clothes to the front followed by the usual aftermath—the short, scant skirt, bobbed hair and the unbridled use of cosmetics. Down to 1938 daytime skirts continued short while formal dress called for the long flowing line. Bobbed hair in varying styles persisted. New materials, new hues, new jewels and ornament are constantly drawn into the fabric of dress design making clothes a vital and striking note in modern life.

[E. Warwick and H. Pitz, *Early American Costume*; Alice Morse Earle, *Two Centuries of Costume in America*, Vols. I-II, Elizabeth McClellan, *Historic Dress in America*, Vols. I-II.]

KATHERINE MORRIS LESTER

Drewry's Bluff, Battle at (May 12-16, 1864). As part of the overland movement against Richmond^{va}, Grant put Gen. Butler in charge of the Union forces operating from the Yorktown Peninsula. Landing at Bermuda Hundred, Butler sought to attack Confederate forces in rear of Richmond. At Drewry's Bluff he was defeated by Beauregard (C.). Had President Davis adopted

Beauregard's entire plan of operations, it is possible that Butler's army would either have been captured or destroyed; as it was, the Confederates succeeded in restoring their communications south and west of Richmond. In this battle, Union forces under Gen. William Farrar Smith made successful use of wire entanglements.

[*Battles and Leaders of the Civil War.*]

ROBERT S. THOMAS

Dried Fruits and Vegetables. In colonial times great quantities of apples were dried in the sun and by artificial means. Prior to 1795 drying and the use of salt and sugar were the principal methods in preserving foods. In 1854, it was estimated, Maine could furnish the nation's supply of dried apples. The perfection of fruit evaporators, 1870-75, increased exports of dried fruit products. Thirty million pounds of dried apples were exported in 1880. Of nearly a half billion pounds of dried apples exported in 1909, 83% came from California. Later, new drying processes and machinery enlarged outputs for domestic and foreign markets. Meanwhile, refrigeration and canning^{gms} developed vastly to aid drying in preserving fruit, vegetables, meat and other human foods.

[*Report Commissioner of Agriculture*, 1878.]

LOUIS PELZER

Drinking Habits. The liquor consumption of the first two centuries of our history seems incredible today. Births, deaths, marriages, clerical ordinations, dances, parties, college commencements, patriotic celebrations, political rallies, haymaking, grain harvest, all called for much drinking. Clergymen were frequently unsteady from liquor. And all this continued until well into the 19th century. The first settlers brought the liquor preferences of their respective countries with them. But the new West Indian beverage, rum^{va}, being an article of commerce in New England, became more popular there than in any other section. In 1827 Wilbraham, Mass., with 2000 inhabitants, was consuming 8000 gallons of rum yearly. Wine making began early in the colonies, but Americans never drank as much wine per capita as Europe. Nor did gin become the favorite drink of the poor and the slum dweller here that it did in England. Whiskey^{va}, fruit brandies and rum were the favorite tavern drinks. Georgia in 1825, with 400,000 population, including slaves, was consuming 2,000,000 gallons of whiskey per year. It was such excess as this that brought about the Temperance movement^{va}, with the result that by 1875 the United States was a more sober nation. The Continental Congress^{va}, in 1775, first fixed the liquor ration of the soldier

at one quart of spruce beer (a popular mild drink) or cider per day—changed a little later to one-half pint of rum. Beer[™] was mostly home-brewed or imported until German immigration brought about the first public brewing of malt-and-hop beer, around 1840. Mixed drinks, some of them peculiarly American, became popular in the 19th century. Eggnog, for example, was an inevitable accompaniment, especially in the South, of Christmas, and Kentucky was noted as the home of that favorite Southern hot-weather drink, the mint julep.

[Raymond W. Cooper, *The Drama of Drink*; Ernest W. Cherrington, *The Evolution of Prohibition in the United States*.]

ALVIN F. HARLOW

Drogher Trade. THE, was carried on from 1825 to 1834, and later, between American shipping firms, mostly in Boston, and Spaniards in California, by means of which New England manufactures were exchanged for cattle hides. The term "drogher" is a West Indian word applied to slow and clumsy coast vessels. R. H. Dana has given a classic description of the trade in his *Two Years Before the Mast*.

[K. Coman, *Economic Beginnings of the Far West*.]

CARL L. GANNON

Drouths. Along in the 1890's the owners of the W brand on the Pecos River in West Texas contracted to deliver their stock of cattle, a certain number being guaranteed, "thirty days after the first general rain." It was three years before the drouth allowed them to make a delivery—and then their herd was so depleted that they had to buy cattle in order to fill out the contract. The most historic drouth of the West prior to the Dust Bowl[™] maker of 1933–36 was probably that of 1885–87. At that time comparatively little of the "best side"—the turfed side—of the surface of the Great Plains[™] had been turned under. Yet from the Texas coast to the Canadian line cattle losses were appalling. One owner in Montana gathered only 100 head out of 5500 steers he had turned loose on his range. Before the feeding of range cattle[™] became feasible, early in the 20th century, drouths were accompanied by great "die-ups," which were followed by bone-gatherers whose pickings were sold for fertilizer.

Drouths are not confined to the western part of America, but west of the 98th meridian they are a periodic factor recognized as inevitable, whereas, east of that line they are unexpected exceptions to the average seasonableness. A drouth like that of 1930, which killed great trees over Arkansas, Tennessee and Virginia, would in the "short grass" country be regarded as normal

weather. The "semiarid" West is sometimes wet, but any sporadic bounty of moisture is certain to be balanced off by a long period of almost total aridity. The native plant life knows this, and so the chaparral[™] has small leaves to prevent evaporation and far-spreading roots to suck in the moisture available. Mails of thorns both sharp and venomous guard such succulence as members of the cacti and dagger (agave and yucca) families store up. Grass seed will sometimes lie on the ground for years waiting to sprout, grass stems cure into hay that keeps nutritious for a year or more while roots remain dormant. Characteristic animals like the jack rabbit, prairie dog and blue quail can exist without water.

Boosters of dry farming[™] once popularized the idea that the country was "getting more seasonable," a claim disproved by all rainfall records. Meantime, the Hopi Indians of Arizona have kept on giving their snake dances, a prayer for rain centuries old in observance. About the turn of the century "scientific" rain makers[™] equipped with balloons, gases and explosives stirred hope, but their efforts proved abortive. Wells and windmills[™], the furrowing of land so as to conserve all moisture, and other devices have done something to ameliorate—at times—the effects of drouths. But a land designed by nature for light grazing can never be changed, by any amount of plowing, into stable agricultural productivity.

Dry land generates dry humor. Drouths of the West will no doubt continue to keep alive the story of the "little rancher" who one day hauled a load of gravel against his house and that night threw it on the roof so as to "break" his children to the sound of rain. He knew that "every dry spell always ends with a rain."

[W. P. Webb, *The Great Plains*; Mary Austin, *The Land of Little Rain*.]

J. FRANK DOBIE

Drugs. The drugs that grew on American soil readily entered the *materia medica* of the new nation. The scientists of the Old World agreed that the Indian, as the child of nature, was possessed of the secrets of nature. Peter Kalm, the Swedish naturalist traveling in America, learning that the natives regarded the blue lobelia as a certain cure for syphilis, returned with specimens and testimonials to Linnæus. The master of all botanists, sharing the credulity of his pupil, named the plant *Lobelia syphilitica*—and Latin dissertations were written on this inane root. Such Indian remedies as prickly ash, pipisewa, wahoo, yerba santa, golden seal, poke root, were sought by the early settlers and practitioners; boneset, or Indian sage, was found "in every well-

regulated household"; black cohosh and senega remained for a century in the *United States Pharmacopœia* (1820-1920); and despite the rising tide of therapeutic skepticism, jimson weed and serpentaria are still there. Under the influence of Benjamin Rush, heroic dosage was the fashion; the Bostonians, Jacob Bigelow and Oliver Wendell Holmes, were among the first to attempt to liberate the profession from the bondage of the big medicine spoon.

The pioneers of American pharmacology were the Virginians, John Tennent, who added senega to the *materia medica* (Edinburgh, 1738); John Clayton, whose *Flora Virginica* (Leyden, 1739) is the earliest colonial work on botany; and John Leigh, who experimented with opium on men and animals, and injected the drug into his own eyes; his *Experimental Inquiry into the Properties of Opium* (despite its dedication to George Washington), won the Harveian prize at Edinburgh (1785), where it was published the following year. During the Revolution, another Virginian, William Brown, issued for the use of the military hospitals the *Pharmacopœia Simplificiorum* (Philadelphia, 1778), "adapted especially to our present state of need and poverty, which we owe to the ferocious cruelty of the enemy." Brown's brochure (32 pages), entirely in Latin, is the earliest pharmacopœia published in the United States, but it bears no relationship to the national pharmacopœia inaugurated by Lyman Spalding, and now in its eleventh decennial revision.

[Victor Robinson, A Symposium on Drugs, *Medical Review of Reviews*, 1916.]

VICTOR ROBINSON

Dry Farming is the conducting of agricultural operations, without irrigation, in a climate with a deficiency of moisture (*see* Agricultural Adaptation to the Plains). In the United States, Anglo-American experiment occurred more or less independently at different points where settlement was established. In California, during the early part of the decade beginning with 1850, Americans began to raise crops, such as winter wheat, whose principal growing season coincided with the winter rainfall season. By 1868 dry farming was extensively and successfully practised in certain areas. In some interior valleys of the Pacific Northwest beginnings were reported before 1880. In the Great Plains⁷, with its summer rainfall season, adaptation to dry farming methods was associated particularly with the small-farmer invasion of the late 1880's and later. Experimental work for the Kansas Pacific railroad⁸ had been begun near the 98th meridian by R. S. Elliott between 1870 and 1873.

H. W. Campbell carried on private experiments on the Northern Plains which resulted in the formulation of much of his "system" by 1895. His work attracted the attention and support of railroad interests. The state agricultural experiment stations⁹ of the Plains region inaugurated experimental activities under governmental auspices soon after their foundation, and the Federal Department of Agriculture created the office of dry land agriculture in 1905. Once definitely inaugurated, development of dry farming was continuous in the Great Plains proper, but the drouth cycle of the 1930's intensified investigational work and the invention of machinery for special soil cultural processes both in the Plains and in the transitional subhumid country where it was neglected during wet periods.

[Wm. MacDonald, *Dry Farming*; A. T. Steinel and D. W. Working, *History of Agriculture in Colorado*; J. A. Widtsoe, *Dry Farming*; E. J. Wickson, *Rural California*; Report of the Great Plains Committee, *The Future of the Great Plains*, House doc. 144, 75 Cong., 1 Sess., Washington, 1937.]

JAMES C. MALIN

Dual Citizenship, or dual nationality, exists in the case of a person born, e.g., in France, of American parents. The United States recognizes him as an American citizen *jure sanguinis*; at the same time the French government claims him as a French citizen *jure soli*. Dual citizenship also arises in the case of naturalized American citizens whose native countries do not recognize the right of expatriation. Such naturalized citizens become liable for unperformed obligations, e.g., military service, arising under the laws of the native country if they return to it. With a number of important countries, however, treaties exist whereby naturalized American citizens are exempted from such obligations.

[L. Gettys, *The Law of Citizenship in the United States*; J. C. Fehr, Dual Citizenship an International Problem, *Current History*, XXXIII, 389-391; I. B. Oakley, When Is a Citizen Not a Citizen, *Atlantic Monthly*, CXXXV, 19-27, January, 1935.]

P. ORMAN RAY

Dual Form of Government in the United States means that the governmental powers are divided between the government of the United States and the governments of the states. To the former are delegated certain exclusive powers, such as the power to regulate interstate and foreign commerce or to declare war. To the states are reserved the powers not delegated to the general government.

Dual government existed under the Articles of Confederation⁷, but sufficient powers were not delegated to the general government. To

remedy the condition, the Constitutional Convention⁷ was called in 1787. In the Convention there was early presented the Virginia Plan which called for the establishment of a "national" government the legislature of which not only was to exercise all the powers of the Confederation Congress but also was "to legislate in all cases to which the separate States are incompetent, or in which the harmony of the United States may be interrupted by the exercise of individual legislation, to negative all laws passed by the several States, contravening in the opinion of the National Legislature, the articles of Union, or any treaty subsisting under the authority of the union; and to call forth the force of the union against any member of the union failing to fulfill its duty under the articles thereof"

This proposed grant of power was so strongly opposed that a compromise had to be adopted. As finally worded in Article VI of the Constitution, this compromise declares the Constitution, the United States laws "made in Pursuance thereof," and United States treaties to be "the supreme Law of the Land; and the Judges in every State shall be bound thereby" Thus, while making the Government of the United States supreme in its own sphere, the Constitution left the states free to deal with local concerns.

[C. K. Burdick, *The Law of the American Constitution*; Charles Warren, *The Making of the Constitution*.]

ERIK MCKINLEY ERIKSSON

Dubuque, Iowa, named for Julien Dubuque, lead miner from 1788-1810. Permanent settlement began in 1833. The first Iowa church was erected here in 1834, and the first newspaper published in 1836. Dubuque's growth was retarded by the claims of the Chouteaus, but in 1853 the United States Supreme Court upheld the settlers' claims. Lead mining gradually waned but log rafts were floated down the Mississippi to entrench the lumber industry.

[F. T. Oldt, *History of Dubuque County*.]

WILLIAM J. PETERSEN

Dubuque Mining District. See Galena-Dubuque Mining District.

Ducking Stool, THE, was a rude armchair in use from the 17th to the 19th century in England and the United States for the punishment of witches, scolds and prostitutes. The chair was strongly made and was usually fastened to a long wooden beam fixed as a seesaw on the edge of a pond or stream of water. The unfortunate woman was seated in the chair, an iron band being

placed around her so that she should not fall out. Then she was immersed. The number of duckings she received depended upon the sentence of the court.

[A. M. Earle, *Curious Punishments of Bygone Days*.]

FRED B. JOYNER

Dudley's Massacre. See Meigs, Fort.

Due Process Clauses occur at two points in the Constitution⁸ of the United States. The first is a provision in the Fifth Amendment⁹, adopted in 1791, providing that "No person shall . . . be deprived of life, liberty, or property, without due process of law." This provision applies only to the Federal Government. The second due process clause in the Constitution is a provision in the Fourteenth Amendment¹⁰, adopted in 1868, saying, "Nor shall any state deprive any person of life, liberty, or property, without due process of law." Most states have similar restrictive clauses in their own constitutions. The concept of "due process of law," or "law of the land," with which judges have identified the term, can be traced backward through the channel of British institutions far into the Middle Ages, to Magna Carta¹¹ and beyond. It came into American law and American thinking as a part of our British heritage.

Use of the term was relatively infrequent in the first three quarters of a century during which it occupied a place in the Federal Constitution as a restriction on the Federal Government. The principal reason was that during this period, as during its earlier development in the mother country, due process was usually regarded only as a restriction on procedure. It was thought of as a requirement that government procedure affecting the rights and liberties of the people should harmonize with the principles and machinery worked out over a long period of time for the protection of these rights and liberties.

On the other hand, the term was not generally regarded as a curb on the kinds of laws which legislatures might enact. There are two instances of fairly clear-cut exceptions to this interpretation in the American field prior to the Civil War. In *Wynehamer v. New York* (13 New York 378) the highest court of New York held a state law to be in violation of the due process clause of the state constitution because of the substantive content of the law. In the *Dred Scott* case¹² (19 Howard 393,450) Chief Justice Taney spoke of an act of Congress denying rights of slave property in the territories of the United States as one which "could hardly be dignified with the name of due process of law."

It was only after the Civil War, however, and after the Fourteenth Amendment had made due process a Federal restriction on the states that judges began a definite retreat before the insistence of counsel, and admitted in increasing numbers that due process limited substantive legislative enactments as well as procedure. This change in interpretation accompanied a change in the content or emphasis of legislation in the same period. The development of railroads and industries, and the increase in the production of commodities of all kinds, and the increased complexity of commercial relationships, were accompanied by a rapid growth of legislation affecting property and property rights⁷⁰. Legislative interference with matters traditionally left free or largely free from Government regulation⁷¹ brought vigorous protests from affected parties. At the behest of counsel, courts steeped in doctrines of *laissez faire*⁷² used the due process concept as an instrument to curb legislation deemed unreasonable or arbitrary.

The growth of this use of the term was gradual, but it has spread so widely that few enactments of Congress or the state legislatures affecting the rights and liberties of the people avoid the gauntlet of the courts in appraisal of their reasonableness. That which is not reasonable is not due process, and therefore is not in accord with the Constitution. Reasonableness, like due process itself, has no legal definition save in so far as a definition is provided by assembling the instances in which it has been judicially applied in times past. The philosophy of the judge applying the term, his conception of what "ought to be," has much to do with the determination of constitutionality in due process cases.

The result has been a great complexity of interpretations, involved in a mass of litigation in a number of fields. In rate regulation, for instance, rates fixed must not be such as to deny a fair return on a fair value. Fair return and fair value are also terms left to judicial definition, however, and provide broad bases for controversy in endless litigation. Until recently due process has been held to prohibit government fixing of prices and rates in business not "affected with a public interest." Unfortunately, there was no adequate definition of businesses so affected, and much litigation turned on this point as well. This business classification apparently no longer stands in the way of regulation (*see Nebbia v. New York*, 291 U. S. 502), but due process still provides a basis for judicial scrutiny in each instance. Interpretations in another field illustrate variations in terms of changing conditions and changing personnel of the courts.

Government violated due process by the act of prescribing minimum wages for women in private employment in 1923, but such a regulation was upheld by the Supreme Court of the United States in 1937.

The due process clauses, therefore, have been used by judges to harmonize or limit state and Federal legislation in terms of their conceptions of public welfare. The clauses have retained at the same time their quality as restrictions on procedure. In this field, as in the field of substantive legislation, there is development of due process with changing conditions. Contemporary illustrations are provided by cases growing out of the activities of regulatory commissions to which quasi-judicial powers have been allotted (*see Business, Public Control of; Quasi-Judicial Agencies*). The procedure of these agencies is developed under the careful scrutiny of the courts, and judicial reprimands in the form of adverse decisions on due process curtail developments deemed by the courts to be unjust.

[R. L. Mott, *Due Process of Law*; C. M. Hough, *Due Process of Law—Today*, *Harvard Law Review*, Vol. XXXII.]

CARL BRENT SWISHER

Duelling was a social practice common in various sections of the United States for a century prior to 1870, although individual combats were recorded back to the earliest colonial days, and as recently as 1901. Defined as "a private fight between two persons, pre-arranged and fought with deadly weapons, usually in the presence of two witnesses called seconds who regulate the mode of fighting and enforce the rules agreed upon, having for its object to decide a personal quarrel or to settle a point of honor," duelling was a legacy of the Middle Ages and was carried by the English settlers to America. The first such affair in the English colonies probably occurred at Plymouth in 1621, though available records show less than a score from 1624 to 1763. It lost favor in the North after the Revolution, but spread in the ante-bellum South, motivated by a growing planter class, French and Spanish influences, and an individualism which soon developed a high code of honor. The decline set in after the Civil War.

Duels were waged over differences of opinion, real or fancied wrongs, or insults. Arrangements usually were carried out with respect to the code, whether it was the English, the South Carolina or the New Orleans covenant. Communications, couched in formal, stilted terms, were exchanged between principals or seconds. Choice of weapons was left to the challenged, other details being arranged by seconds. Swords were generally

used during the colonial period, but pistols came into favor after the Revolution. The American brand of duelling changed gradually from the European standard of the satisfaction of honor to the desire to kill one's opponent. The practice embraced all classes; and weapons, varying with individuals, included rifles, shotguns, sword canes, Bowie knives, lances and even harpoons. Among the famous duelling grounds were the field near Bladensburg^{va}, Md., the "Duelling Oaks," New Orleans; and Bloody Island^{ms}, St. Louis. In addition to the Burr-Hamilton duel^{ny} in 1804, and that of Barron-Decatur in 1820, other notable American *affaires d'honneur* were Andrew Jackson-Charles Dickinson (1817), Thomas H. Benton-Charles Lucas (1820); John Randolph-Henry Clay (1826); Jonathan Cilley-William Graves (1838); John H. Pleasants-Thomas Ritchie (1846), and David Broderick-David S. Terry (1859).

Agitation against duelling began in the 17th century. Washington, Franklin and Jefferson were among the men in public life who opposed the practice, and most of the states of the young republic eventually decreed a challenge a breach of peace, the wounding of an opponent an attempt at murder, or the killing of a combatant a homicide, seconds being held equally guilty with principals. The army and navy condemned the practice late in the 18th century, and in the latter part of the last century public opinion and ridicule brought an end to a deadly and senseless custom.

[Lorenzo Sabine, *Notes on Duels and Duelling; The Code of Honor*, New Orleans.]

EDWIN ADAMS DAVIS

Dug Springs, Battle at (Aug. 2, 1861). Gen. Nathaniel Lyon, operating in the vicinity of Wilson Creek, Mo., defeated a Confederate force of the Missouri State Guard under Gen. James S. Rains. The latter, acting on a faulty reconnaissance report made by Capt. James McIntosh, attacked what he thought to be an inferior force. Gen. Lyon, making skillful use of his infantry and cavalry, which he supported with Capt. Totten's artillery, broke the Confederate attack and drove it back in complete rout.

[War of the Rebellion—*Official Records of the Union and Confederate Armies*.]

ROBERT S. THOMAS

Dugout (Boat). The craft universally used by the primitive American, and at once adopted by the invading white man, was the hollowed log or pirogue. The cottonwood tree, easily procured along the northern waterways, was a favorite in many parts of the continent, but the cypress,

too, was worked into a durable boat in those sections where it abounds. Many journeys from the heart of the wilderness to St. Louis through 2000 miles of the Missouri River system were made in dugouts.

[J. Carver, *Travels through the Interior Parts of North America*; Phil E. Chappell, *A History of the Missouri River*.]

CARL P. RUSSELL

Dugout, THE, was a temporary home of the plains country, built in the side of a ravine or hill. Three sides were made of earth. The front, made of logs or sod, had a door and a window. The roof, sloping back onto the hill, was made by forming a framework of poles, covered with a layer of brush, another of slough hay, and over all a layer of sod. The earth roof, becoming soaked with water during a rain, dripped for hours after a storm, making puddles on the dirt floor. This dwelling was warm in winter and cool in summer. (*See also Sod House*.)

[Everett Dick, *The Sod-House Frontier*.]

EVERETT DICK

"Duke of York's Laws" was a code of laws drawn up in 1665 by Gov. Nicolls in anticipation of a meeting called by him in February to bring a more uniform system of government to the towns of the newly created shire of Yorkshire (*see York's, Duke of, Proprietary*), and presented by him to the thirty-four delegates, mostly from Long Island, who met at Hempstead on March 1. This proceeding by no means corresponded with the representatives' idea of lawmaking and considerable dissatisfaction was expressed. Nicolls shrewdly accepted a few minor amendments, and the code was promulgated. As compiled by Nicolls the laws were drawn largely from the existing codes of Massachusetts and New Haven. A civil and criminal code was set up; elaborate provisions made for local governments; a general provincial organization of the courts and militia provided; Indian affairs, ecclesiastical establishments, social and domestic relations regulated; standards of weights and measures provided; and legal forms and methods of keeping records fixed. The code was gradually extended to include the whole province.

[A. E. McKinley, *The Transition from Dutch to English Rule in New York*, *American Historical Review*, Vol. VI, 693-724.]

A. C. FLICK

Dull Knife Campaign (1878-79). Northern Cheyennes^{ms} held on a reservation at Darlington, I. T., escaped Sept. 9, 1878, and started for their home in Montana, led by Dull Knife and Little Wolf. Beating off pursuing troops in several

skirmishes, they crossed the Kansas border, killing cowmen and hunters as they progressed. The band contained 89 warriors and 246 women and children. Although large forces of troops were sent to head them off, the Cheyennes eluded or defeated every detachment, killing Lt. Col. William H. Lewis on Punished Women's Fork, Sept. 28, and slaying 18 settlers at Sappa Creek, Kans., Sept. 30.

In October the Cheyennes crossed the South Platte River, and the camps of Little Wolf and Dull Knife separated. Dull Knife's people were captured Oct. 23 by Col. J. B. Johnson, and placed in empty barracks at Fort Robinson⁹⁰, Nebr. Capt. Henry W. Wessells, commandant, received orders, Jan. 5, 1879, to transport the Indians back to Oklahoma, but they refused to go. When, five days later, Capt. Wessells arrested the chiefs Wild Hog and Crow, the remainder of the band broke out of the barracks and made a dash for freedom, the night of Jan. 10. Troops pursued, but it was not until Jan. 22 that the last of the Indians were killed or captured, most of the fighting being in extreme cold weather. Dull Knife escaped to the Sioux⁹¹.

Little Wolf's band was induced to surrender bloodlessly by Lt. W. P. Clark, on Boxelder Creek, March 25. These Indians were permitted to remain in Montana.

[George Bird Grinnell, *The Fighting Cheyennes*.]

PAUL I. WELLMAN

Duluth's Explorations. Count Frontenac, governor of New France⁹² in the late 17th century, was eager to explore westward and to find, if possible, a route to the western sea. In 1678 he gave secret instructions to Daniel Graysolon, sieur Duluth (he himself spelled his name Dulhut) to explore westward from Lake Superior⁹³, from where one of Frontenac's agents, Hughes Randin, had just returned. Duluth made friends with the Chippewa near the Sault Ste. Marie and in the summer of 1679 moved across to the western end of the great lake, where he had a rendezvous with the Sioux⁹⁴, near the site of the city that now bears his name. Thence he accompanied the Sioux through the Savanna portage to Lake Mille Lac, and learned that he was near the source of the Mississippi.

Returning to Lake Superior he met the Assiniboin Indians⁹⁵ on the Kamistiquia portage and explored part of the northern shore of the lake. In 1680 he determined to open a new route to the Mississippi, via the Brulé-St. Croix portage, the most northern and western portage route from the Great Lakes to the great river. In the next years he attempted to push west by land

from the Sioux country, and his men appear to have crossed Minnesota to the land of the Teton Sioux on Big Stone Lake. Thenceforward his efforts were utilized in the Iroquois⁹⁶ wars, and in safeguarding the French in the West. In 1683 he built a post on the St. Croix portage route, the first interior fort in Wisconsin. Later he sent his brother Claude Graysolon, sieur de la Tourette, to build a post on Lake Nipigon and to intercept the furs going to the English posts on Hudson Bay.

In 1688 Duluth again visited the Sioux region, approaching via the Green Bay-Fox-Wisconsin route (*see* Fox-Wisconsin Waterway) to the Mississippi. The next year he attempted to penetrate the interior via the Kaministiquia portage route, but was recalled to the colony and never came West again. His explorations opened up the shores of Lake Superior, the headwaters of the Mississippi, the land of the Sioux Indians, and the portage routes to the interior, which were utilized by his successors in the early 18th century.

[Louise Phelps Kellogg, *The French Régime in Wisconsin and the Northwest*.]

LOUISE PHELPS KELLOGG

Dummer, Fort, the first permanent English settlement in what is now Vermont, was erected in 1724, on the present site of Brattleboro, by the colony of Massachusetts, to protect its northern frontier. The blockhouse, 180 feet square, surrounded by a stockade, was also used as a trading post. Out of the fort, under such men as Capt. Wright, operated numerous scouting parties. On Oct. 11, 1724, it was subjected to Indian attack.

[Rowland E. Robinson, *Vermont*.]

LEON W. DEAN

Dummer's War (1724-25). French governors of Canada, obstructing English border settlements, provoked a boundary dispute between Abnaki Indians⁹⁷ and Maine and Vermont border settlers. On Aug. 12, 1724, and May 8, 1725, the whites defeated superior Indian forces and killed the Jesuit missionary, Rale (*see* Norridgewock Fight). This war was named from William Dummer, acting governor of Massachusetts, who then held jurisdiction over Maine and Vermont.

[Herbert M. Sylvester, *Indian Wars of New England*; Francis Parkman, *A Half Century of Conflict*.]

ROBERT S. THOMAS

Dumping. The term "dumping," in its generally accepted use, describes an international merchandise transaction in which the export sale

price is lower than the price at which identical merchandise is being offered for domestic sale.

Congress has several times sought to discourage dumping from abroad. Legislation directed against one form of dumping was passed as early as 1890, assessing "countervailing duties" on imports which had received export bounties from foreign governments (a similar but broader provision is Section 303 of the current tariff act). In 1913 a broad antidumping bill was introduced into Congress but failed of passage. A provision added to the Revenue Act of 1916 (Section 801) made unlawful systematic dumping conducted with intent to injure an American industry or prevent its establishment; although this section has never been repealed, no case has ever been brought to court under it. An antidumping bill substantially similar to one based on a report of the United States Tariff Commission, which had failed of enactment in 1919, was enacted on May 27, 1921, after substantial amendment in the Senate and in Conference Committee. This antidumping act is still (1939) in force, and provides for the assessment of special "dumping duties" when the Secretary of the Treasury has found the existence or likelihood of sales of merchandise to the United States at less than statutory "fair value" coincident with injury to a domestic industry, or has found that such dumping prevents the establishment of a domestic industry. More than fifty of these "findings of dumping" have been issued since 1921.

[J. Viner, *Dumping: A Problem in International Trade*.]

F. TAYLOR OSTRANDER, JR.

Dumplin Creek, Treaty of, was entered into on Dumplin Creek of the French Broad on June 10, 1785, by John Sevier, then governor of the recently organized state of Franklin, and chiefs of the Overhill Cherokees^{aw}. It had for its purpose procuring the consent of the Indians to the settlement of the region lying between French Broad River and the ridge which divided the waters of Little and Little Tennessee rivers. As a result of the treaty many families from the Valley of Virginia removed to the rich country opened to settlement.

[S. C. Williams, *History of the Lost State of Franklin*.]

SAMUEL C. WILLIAMS

Dunbar's Expedition started after Lewis and Clark^{aw} had left for the Northwest to explore a portion of the new Louisiana purchase^{aw} in 1804. Jefferson asked William Dunbar, a scientist of Mississippi, to explore the Red River of the South. Dr. George Hunter, a chemist of Philadelphia, was appointed to aid him, and the two

headed an expedition of seventeen men leaving Natchez, Miss., in October, 1804. They entered the Red from the Mississippi, but higher up turned into its confluent, the Ouachita (on some maps termed the Washita), where they found a few French and Spanish families in scattered hamlets; also some German, Irish and American frontiersmen. One hundred ninety miles up the Ouachita at Fort Miró^{aw} they discovered an American settlement of 150 families protected by a military force. After penetrating into Arkansas, as far as Hot Springs, they returned to Natchez in January, 1805. (See also Freeman's Expedition.)

[W. J. Ghent, *Early Far West*.]

CARL L. CANNON

Dunbar's Line is the name sometimes applied to the thirty-first parallel between the Mississippi and Chattahoochee rivers, which was recognized by the Pinckney Treaty^{aw} of 1795 as the international boundary between the United States and Spanish West Florida^{aw}. It was surveyed by Andrew Ellicott for the United States and William Dunbar for Spain in 1798.

[Dunbar Rowland, ed., *Mississippi*, Cyclopedic, I, 662-663; Alcée Fortier, ed., *Louisiana*, Cyclopedic, I, 363-364; Mississippi Historical Society *Publications*, III, 185-205.]

WALTER PRICHARD

Dunkards, THE, is the name popularly given to a group of five denominations officially designated German Baptist Brethren. Influenced by the Pietist movement in Germany, Alexander Mack and others organized a church in Schwarzenau with the distinctive feature of trine (three times) immersion, whence the name Taeufer, or Tunker, or Dunker ("Dipper"), or Dunkard. In 1719, due to persecution in Europe, a first group settled in Germantown, Pa., to be followed by others under Alexander Mack, until the church existed only in America. Still centered in Pennsylvania, they now have spread into some thirty-five states with a membership of nearly 200,000. The Dunkards have been characterized by plain dress, an unsalaried ministry, the prohibition to bear arms, take oaths and go to law, and by the practice of trine baptism, foot washing and the Love Feast. (See also Ephrata.)

[M. G. Brumbaugh, *History of the German Baptist Brethren in Europe and America*.]

ROBERT FORTENBAUGH

Dunmore, Fort. See Dunmore's War (1774).

Dunmore's War (1774). The Indians of trans-Ohio were much incensed at the encroachments

of the frontiersmen, while the rivalry between the colonies of Pennsylvania and Virginia over the site of Pittsburgh increased the tension. Early in 1774 Col. John Connolly, agent of Lord Dunmore, royal governor of Virginia, took possession of Fort Pitt⁹⁹, renamed it Fort Dunmore, and attempted retaliation for Indian outrages. The Delawares, under the influence of Moravian missionaries, kept the peace; the Shawnee⁹⁹ were eager for war. June 10, the governor called out the militia of southwest Virginia, which, embodying under Gen. Andrew Lewis, prepared for an expedition to the Shawnee towns beyond the Ohio. The inhabitants of the Virginia frontier meanwhile "forted,"⁹⁹ and defended their families against the raids of the incensed Indians.

Early in August the militia of Frederick County, Va., under Maj. Angus McDonald, raided the Wapatomica towns on the Muskingum River. Gov. Dunmore, in midsummer, advanced in person to Fort Dunmore, where he opened a land office, and in September called on the neighboring militia to join in an expedition against the hostiles. He intended to join Gen. Lewis, but before the junction of the two wings of the army the Shawnee warriors led by Cornstalk attacked Lewis' division, Oct. 10, at the mouth of the Great Kanawha. After an all-day battle at Point Pleasant⁹⁹, the whites won a decisive victory. The Indians fled back to their Ohio towns, and the chiefs sought Dunmore's camp and offered peace. Dunmore marched to the Pickaway Plains, where he established Camp Charlotte⁹⁹ and made a treaty, which was sealed by the delivery of hostages. Dunmore returned to Virginia, while Lewis' forces made their way, after leaving a garrison at Point Pleasant, to their homes in southwest Virginia.

The effect of this victory over the Indians was decisive for the frontier during the early years of the American Revolution. While the Indians remained at peace, many officers and men joined the colonial forces where their experience in warfare was of value.

[R. G. Thwaites and L. P. Kellogg, *Documentary History of Dunmore's War, 1774.*]

LOUISE PHELPS KELLOGG

Du Pont Company. Two French friends of Thomas Jefferson, Samuel du Pont de Nemours, a French physiocrat, and a son who had studied chemistry under Lavoisier, emigrated to America in 1800, and soon thereafter built a powder mill near Wilmington. A family company developed from this establishment which lasted as a partnership until 1899, by which time it had become one of the largest manufacturers of explosives

in the world. Thereafter it operated under corporate organization.

Starting as a supplier to the Government, the early works soon found additional outlet for powder among fur traders and Western pioneers. Toward the middle of the century the rapidly increasing use of industrial explosives, for building canals and railways, and in mines, multiplied and varied the demand for its products. While modern explosives like guncotton, nitroglycerin, dynamite and TNT originated abroad, the company contributed to their technical improvement. It also assisted the Government to develop smokeless powder, and during the World War its capacity for making this alone expanded from 12,000,000 to 396,000,000 pounds per annum.

When peace came the company, in spite of Government dissolution suits, controlled in various ways several score factories and properties engaged in different chemical activities. It converted many of these plants to making new industrial substances, several of which originated in its own laboratories. These include dyes, lacquers, safety glass, rayon, cellophane, plastics and various refinements of the inert absorbents originally required to tame the violent nitrogen compounds basic in the modern explosives industry.

[Charles F. Rideal, *The History of the E. I. du Pont de Nemours Powder Company*; B. G. du Pont, *E. I. du Pont de Nemours and Company.*]

VICTOR S. CLARK

Duquesne, Fort. In 1753 the Marquis Duquesne, governor of New France, moved to occupy the Ohio Valley⁹⁹. On the route from Lake Erie to the Allegheny River, forts were erected at Presque Isle, Le Boeuf, and Venango⁹⁹. Washington's mission to the French merely stimulated an early campaign in 1754. In February, 1754, Contrecoeur left Montreal with 800 men, and on April 17 took possession of the fort being built by the Ohio Company⁹⁹ at the forks of the Ohio⁹⁹. The French destroyed this work and constructed Fort Duquesne on its site. The rivers protected two sides of the triangle; walls of squared logs and earth, twelve feet thick, protected its base. Outside the walls was a deep ditch and beyond that a log stockade.

Troops left Fort Duquesne to defeat Washington at Great Meadows in 1754, and to rout Braddock's expedition⁹⁹ in 1755. After Braddock's defeat the French held undisputed possession of the Ohio Valley for three years, administering their military occupation from Fort Duquesne and stimulating Indian raids on the frontiers of

Pennsylvania, Virginia and the Carolinas. Finally, on Nov. 24, 1758, when the Forbes expedition^o neared the forks of the Ohio, the French destroyed Fort Duquesne and retreated. (See also Pitt, Fort.)

[Francis Parkman, *Montcalm and Wolfe*; S. J. and E. H. Buck, *The Planting of Civilization in Western Pennsylvania*.]

OLON J. BUCK

Dust, which includes sand, transported by wind, has been a factor in American geology since at least the glacial age. Striking examples of ancient dust movement are afforded by the White Sands National Monument in southern New Mexico and the Sand Hills of Nebraska. Since the 1870's the movement of dust from and over the high, dry, wind-swept lands of western America has been much accelerated. Overgrazing, which has destroyed the protective turf-covering on millions of acres of land, then began to expose soil to wind action. The plowing up of range lands made even more dust. "No, the wind does not always blow this way," a Plainsman said. "Sometimes it blows the other way." The soil thus carried has buried the water in many streams, resulted in extreme soil erosion^o and culminated in the Dust Bowl^o.

Dust raised by horses used to warn frontier people of approaching enemies. It was a trail in the sky of any passer. "I seen his dust," was a common expression. A cycle of tall tales^o, as extravagant and prolific as those about Paul Bunyan, has grown up to mock dust storms, so dense sometimes that a driver cannot see the front of his own car.

[Paul B. Sears, *Deserts on the March*.]

J. FRANK DOBIE

Dust Bowl, THE, is a term applied since 1933 to the High Plains eastward from the Rockies to about the 100th meridian, and especially to the Southwest High Plains. Lt. Zebulon M. Pike^o reported drouth and the blowing of dust on these plains in 1806, as did succeeding travelers, who called the region the Great American Desert^o, although it nourished 5,000,000 buffalo^o. Agriculture began about 1886 and, with development of the drouth-resistant crops, expanded to include one third the area by 1930. The rest remained grazing land. As the sod was broken, dust storms became more intense during dry years. Unprecedented drouth prolonged over several years in the 1930's brought Black Blizzards, sweeping powdery loam from tilled fields, filling the air five miles high with eddying swirls of choking dust, converting days into nights, halting traffic and burying lands with shifting

dust drifts. Silt, carried to the Atlantic seaboard in 1934 and 1935, threw news and magazine writers into a panic of exaggeration. Agricultural science has accomplished much in drouth^o control since the 1890's, but larger Federal and state appropriations since 1935 have resulted in greater control of wind erosion. Methods include contour tillage to prevent run-off of rain, use of drouth-resistant cover crops, etc.

[Ben Hibbs, *The Dust Bowl Can Be Saved*, *Saturday Evening Post*, Dec. 18, 1937.]

BLISS ISELY

Dustin Murders, THE (1863). On June 29, 1863, as an aftermath of the Sioux uprising^o, a small Sioux band, probably from Little Crow's party, just west of Howard Lake, Minn., attacked Amos Dustin and family of five, en route by ox-team to settle in southwestern Wright County. Four of the six whites were murdered.

[W. W. Folwell, *A History of Minnesota*.]

WILLOUGHBY M. BABCOCK

Dutch Bankers' Loans (1782). The financial independence of the United States was assured when John Adams, minister to the Hague, secured in June, 1782, the flotation of a \$2,000,000 loan through the Amsterdam houses of Van Staphorst, Willink, and De la Lande and Fynje. Adams' success, after two years of discouragement, secured for his government badly needed foreign exchange. Although the full loan was not immediately subscribed to, a fact necessitating a more attractive issue in 1784, it was the most important financial resource possessed by Robert Morris in his capacity of Financier of the Finances, 1781-83. The loan was especially significant in its tacit recognition of the enlarged commercial role played by the United States, whose trade with Holland and France had developed considerably since 1775. It also foreshadowed the interest of the Dutch in American commercial, security, land, bank and canal enterprise in the next twenty years.

[William Graham Sumner, *The Financier and the Finances of the American Revolution*; Rafael Bayley, *The National Loans of the U. S.*]

ROBERT A. EAST

Dutch Fork of South Carolina, THE, is a district about forty miles long between the Broad and Saluda rivers. Settled compactly by South Germans, 1740-60, it kept the German language for a century, and the thrifty and conservative inhabitants today give evidence of their origin.

[D. D. Wallace, *History of South Carolina*.]

R. L. MERIWETHER

Dutch Gap Canal. After Gen. Beauregard (C.) had foiled Gen. B. F. Butler's (U.) attempt to move on Richmond by the south bank of the James in the summer of 1864 (*see* Drewry's Bluff, Battle at), Butler fell back to Bermuda Hundred, where his army of 35,000 was practically useless. Some miles above this place the James River makes an almost complete loop, approaching to within 174 yards of itself at a neck called Dutch Gap. Butler decided to cut a channel through this neck, hoping to move up the river by boat, saving four and three-fourths miles of travel and avoiding powerful Confederate batteries which commanded the outer curve of the loop. The canal was begun Aug. 10, 1864, and completed Jan. 1, 1865. It was a failure and was never used by the army, but after the war was enlarged and used by river steamboats.

[*Battles and Leaders of the Civil War.*]

ALVIN F. HARLOW

Dutch-Indian War, THE (1643-45), which brought such desolation and distress to the struggling colony of New Netherland^o, was caused by the brutal and unwise Indian policy of William Kieft, the director general of the colony. In February, 1643, without warning the outlying and unprotected settlements of his intention, Kieft attacked an encampment of Indians at Pavonia^o and murdered about eighty men, women and children in their sleep. The tribes rose in fury. Kieft, terrified, asked the colonists to elect a board to advise with him, and the Eight Men were chosen. With the director they armed the colonists and company servants and hired as soldiers a number of English settlers under the command of John Underhill of Stamford. Conditions in the province were desperate. Long Island, Westchester and Manhattan itself were laid waste. With the exception of distant Fort Orange^o and Rensselaerswyck, safety was to be found only in the immediate vicinity of Fort Amsterdam on Manhattan Island. The fort itself, described as "utterly defenseless," offered but a poor refuge. The frightened colonists faced starvation. Hostile bands of Indians 1500 strong threatened attack. Fortunately, the Indians had no common or sustained plan of attack, and raiding parties sent out from the fort met with some success. June, 1644, brought reinforcements, but over a year dragged by before a general peace was signed on Aug. 29, 1645.

[A. C. Flick, ed., *History of the State of New York*, Vol. II.]

A. C. FLICK

Dutch Merchants at Albany. Unlike New England settlements, that at Albany^o was primarily

economic. The discovery of the Hudson River opened up a new source of wealth in furs. Dutch merchants were quick to seek a monopoly in that new region. In 1614 the agents of the United New Netherland Company erected Fort Nassau on Castle Island and traded in furs for several years. The Dutch West India Company^o built Fort Orange in 1624, and under the terms of their charter expected to reap a fortune out of peltries. Their first cargo of furs sold for 28,000 guilders, and the trade continued to be lucrative in subsequent years. Meanwhile the patroon of Rensselaerswyck was permitted to engage in the fur trade where the company had no "factories," but his furs had to be sent home through the director of the province. In addition to these two sets of merchants—the company's and the patroon's—a number of private merchants and "petty traders" located in Fort Orange and vicinity, and continued to operate in the face of complaints and prohibitory ordinances. The Dutch merchants largely supplied the population of the village of Beverwyck throughout the Dutch period, and continued their profitable operations long after the English conquest in 1664.

[J. R. Brodhead, *History of the State of New York.*]

A. C. FLICK

Dutch Reformed Church. *See* Reformed Church in America, The.

Dutch West India Company, THE, was organized by a group of Dutch merchants in imitation of the Dutch East India Company, and was chartered by the States General on June 3, 1621. Under this charter the company was given enormous powers both political and commercial, which included the exclusive right to trade on the west coast of Africa, in the West Indies, on the east and west coasts of America, and in Australia. In addition the company was empowered to make alliances with the natives, to build forts and plant colonies. Nineteen directors administered the general affairs of the company. In 1624 the company planted a settlement at Fort Orange^o, and in 1625 one on Manhattan, forming the colony of New Netherland^o. Strict obedience to the orders of the company was imposed on all colonists. The director and council acted under instruction from the company. Although later important matters affecting New Netherland often came before the States General, the continued despotic control of the company and its interest in trade (*see* Fur Trade of the Atlantic States) rather than colonization, was detrimental to the welfare of the colony.

[J. R. Brodhead, *History of the State of New York.*]

A. C. FLICK

Duties, Ad Valorem and Specific. Ad valorem duties are assessed as a stated percentage of the value of the imported goods, in contrast with specific duties expressed as a certain sum of money per defined unit of imported goods. Both types of duties have been used in every tariff^{er} act of the United States. When the trend was toward higher tariffs, specific duties tended to predominate (1816, 1861, 1864, 1897, 1909, 1921, 1922, 1930), while in low-tariff periods a distinct shift to ad valorem rates occurred (1846, 1857, 1894, 1913). The low-tariff advocate had much reason to distrust specific duties, in which, in contrast with ad valorem duties, the "height" of the tariff is easily hidden. But the ad valorem duty creates a problem of valuation of imports and also makes customs revenues less predictable. This explains the preference for specific duties by most of the secretaries of the Treasury up to 1900.

[F. W. Taussig, *The Tariff History of the United States*, 8th ed.]
FRANK A. SOUTHARD, JR.

"Duzine" was a form of government (established 1728) by which one descendant from each of the twelve original Huguenot^{er} patentees of New Paltz, Ulster County, N. Y. (1677), chosen annually at town meeting, exercised legislative, judicial and executive powers. Although powers were curtailed when New Paltz was incorporated (1785) elections continued until about 1820.

[R. LeFevre, *History of New Paltz*.]

A. C. FLICK

E Pluribus Unum ("from the many, one"), motto on the seal of the United States, was selected by Franklin, Adams and Jefferson (1776); it appears in Virgil's *Moretum* and the *Gentleman's Magazine* (from 1732 to 1833). New Jersey copper coins bore it (1786), as have subsequent coins of the Union.

[State Department, *The History of the Seal of the U. S.*]

WHEELER PRESTON

Eads Bridge, a steel and iron structure spanning the Mississippi at St. Louis, built 1868-74, was the first bridge and for many years the only one crossing the river that far south. It has three arches, the central one of 520 feet span, the two side arches of 502 feet each, the longest arches in existence at the time of erection. The ribs of the arches are of steel, the rest of the structure iron. The engineer, James B. Eads, designed and built the bridge, and also did much toward raising the money for it.

[Henry Grattan Tyrrell, *History of Bridge Engineering*.]

ALVIN F. HARLOW

Eads Gunboats, THE. To attack Confederate forts along the Western rivers the Federal Army needed ironclad gunboats. James B. Eads, St. Louis engineer, received the contract and built (between Aug. 7, 1861, and Jan. 15, 1862) the seven Eads gunboats which constituted the first Federal fleet of ironclads^{er}. Named after river towns, *St. Louis*, *Carondelet*, *Cairo*, *Mound City*, *Louisville*, *Cincinnati* and *Pittsburgh*, they were objects of great local pride. Their sloping casemates plated with two-and-one-half-inch iron and pierced for thirteen guns of various sizes were mounted on flat-bottom scows and propelled by paddle wheels in the stern. As the backbone of the Army's Western Flotilla and (after Oct. 1, 1862) as nucleus of the Navy's Mississippi Squadron^{er}, they performed indispensable service in splitting the Confederacy in two.

[*Battles and Leaders of the Civil War*, Vol. I.]

RICHARD S. WEST, JR.

Eads Jetties, THE. Sediment carried down by the Mississippi and dropped when contact with the still waters of the Gulf checked the velocity of the current, had reduced the depth of water over the bar to seven and a half feet. This obstacle prevented ocean-going vessels from entering the river and constituted a serious threat to the future commerce of the great port of New Orleans. After numerous plans for eliminating this obstacle had been suggested, Congress entered into a contract in 1875 with James B. Eads, a civil engineer, for deepening the channel of the middle, or South, pass to thirty feet, thus accommodating the largest vessels of that period. This objective was accomplished by constructing jetties or bulwarks on both sides of the channel, so as to narrow it permanently, thus increasing the velocity of the current over the bar and enabling the river to deepen its own channel and to keep it free of deposits of sediment in the future. The work was completed by 1879 at a cost of approximately \$5,000,000.

[J. S. Kendall, *History of New Orleans*; A. Fortier, *History of Louisiana*.]

WALTER PRICHARD

Eagle, The American. The eagle, for ages a military emblem and symbol of strength, probably first appeared as an American symbol on a Massachusetts copper cent coined in 1776. In 1787 it appeared on a New York copper and two new coppers of Massachusetts. Meanwhile, it had been placed on the Great Seal of the United States^{er}, Charles Thomson, Secretary of Congress, specifying that it should be the distinctly American white-headed or bald eagle. It has appeared on the reverse of some of our coins since the be-

ginning of coinage, notably the silver dollar, half dollar and quarter, and the gold coins, which were christened eagle, half eagle, quarter eagle and double eagle. It even appeared on a three-cent piece of 1851 and (in full flight) on the obverse of a cent of 1857. Many states are now protecting the bald eagle by law from killing.

[Francis Hobart Herrick, *The American Eagle*; Charles Gaillard Hunt, *The Great Seal of the United States*.]

ALVIN F. HARLOW

Eagle Boat. A special type of steel antisubmarine vessel of 500 tons displacement built during the World War by the Ford Motor Company. Novel shipbuilding methods were used, including assembling vessels on trucks which were moved along as construction progressed. Sixty were completed, equipped with underwater listening devices.

[*U. S. Naval Institute Proceedings*, May, 1919.]

DUDLEY W. KNOX

Earthquakes. The first earthquake recorded in the United States was in 1638 in Connecticut and Massachusetts; no great damage was done. The most famous earthquake of colonial times was that of 1663, which, while centered in Canada, was felt in New England. To the rank and file of people earthquakes are classed as great or small according to their destruction of human life and property, although scientifically a different standard determines an earthquake's importance. From the latter viewpoint among the most important earthquakes in the United States were those centering near New Madrid, Mo., in 1811 and 1812. That of Dec. 16, 1811, is listed among the greatest known earthquakes of history, and the later shocks of 1812 were nearly as intense. At this time the most extensive known change in topography took place in a region of moderate relief. An area of 30,000 square miles sank through varying amounts from five to fifteen feet. Other areas were raised by similar amounts. The total area over which the shock was felt was about 1,000,000 square miles. The Mississippi River changed its course in places. These earthquakes caused little damage to men simply because there were few in the region, and most houses were log cabins—a design peculiarly adapted to resist an earthquake. From the other point of view, and aside, of course, from the San Francisco earthquake^{er}, the most important earthquakes in the United States were those at Charleston, S. C., and at Helena, Mont. That at Charleston took place at 9:50 P.M., Aug. 31, 1886, just as the inhabitants were either asleep or retiring. Many persons were killed and more than

three fourths of the buildings were rendered uninhabitable, the property damage was estimated at \$8,000,000. The earthquake near Helena of Oct. 18, 1935, was accompanied by several hundred fore and after shocks beginning on Oct. 12. The property damage was estimated at \$3,000,000.

[Wm. Herbert Hobbs, *Earthquakes*; N. H. Heck, *Earthquakes*.]

RICHMOND T. ZOCH

East Florida was established as a British province by the Proclamation of 1763^{er}. It consisted of the peninsula of Florida north to the St. Mary's River and a line from thence along the 31° to the juncture of the Flint and the Chattahoochee rivers. The western boundary was the Appalachian River. East Florida was returned to Spain by the English in 1783. In 1822, after the purchase of Florida^{er} by the United States, it was joined to that portion of West Florida^{er} lying between the Appalachian and Perdido rivers to form the Territory of Florida. (*See also* British Florida.)

KATHRYN T. ABBEY

East Florida, Attempted Seizure of (1811-12), was an outcome of American expansionist zeal, fear of England and the breakdown of Spanish power in America. In January, 1811, Congress authorized Madison to occupy Florida by agreement with local authorities, or if a foreign power attempted to take possession. As voluntary surrender was refused, Gen. George Mathews, a commissioner appointed to negotiate, encouraged a rebellion in East Florida. He was tacitly supported by the administration, which was informed of his activities. The rebels, reinforced by Georgia volunteers and aided by the presence of American warships at St. Mary's, took Fernandina (Amelia Island) and besieged St. Augustine, turning over captured points to American troops. Protests from England and Spain, and Federalist^{er} opposition, forced Secretary of State Monroe to disavow Mathews (April 4, 1812), but American troops remained in East Florida until May, 1813, although Congress twice refused authorization beyond that granted in 1811. Spanish authority was not fully re-established until 1815.

[Henry Adams, *History of the United States*; Julius W. Pratt, *Expansionists of 1812*.]

CHARLES C. GRIFFIN

East India Company, THE (1600-1858), one of the longest-lived and richest trading companies, exercised a pervasive influence on British colonial policy^{er} and thus indirectly on American affairs from an early date in its history. Its wealth and its commanding position both in England and in the world of commerce affected re-

gions outside its major concern, the East. Nevertheless, not until the era of the American Revolution did the company figure specifically in American affairs, and then but briefly. At that time it was expanding its activities in the East, particularly in China, and in order to strengthen its rather precarious foothold at Canton, the company purchased increasingly larger amounts of tea. This development, coinciding with the outbreak of disputes between Great Britain and her American colonies, ultimately related to them. After the imposition of the tea tax⁹⁹ in 1767, boycotts reduced American consumption from 900,000 pounds in 1769 to 237,000 pounds in 1772. With its warehouses overflowing and a financial crisis looming, the company surrendered part of its political power for the right to export tea directly to America. This right, acquired in 1773 under North's Regulating Act, had most unhappy results and precipitated a crisis. After the Revolution, the company had little or no contact with America.

[Beckles Willson, *Ledger and Sword*.]

CHARLES F. MULLETT

East Indies, Trade with, included, broadly, commerce with "all countries lying beyond the Cape of Good Hope or the Straits of Magellan" (see *China Trade*; *Canton*, *The Fur Trade with*). Characteristic were voyages from Salem⁹⁹, beginning 1784: with provisions to the Cape of Good Hope and Mauritius; thence, perhaps, with bills, sometimes freight, to Bombay, for cotton to be sold in Canton for teas; perhaps from Mauritius to Madras, or Calcutta, thence home, with cottons; or to Batavia, with iron, wine and ginseng, thence to Canton, perhaps with freight. Other voyages were direct to Canton; or to Calcutta or Madras; to the former, ginseng and furs, to the latter, provisions and naval supplies, to both, specie. "A Salem vessel opened in 1793 a trade in pepper from Sumatra," another, in 1799, the coffee trade with Mocha.

The prohibitive tariff of 1816 on cheap cotton cloths turned East India merchants to saltpeter, indigo, sugar, spices, drugs, cotton; later, to hides and gunnies. The end of the Napoleonic Wars and, in 1813, of the East India Company's monopoly, increased competition until it was sometimes cheaper to buy India goods in London. By 1840 American merchants were importing imitation Calcutta goods from Manchester and shipping to India cloth from Lowell.

[Kenneth Wiggins Porter, *The Jacksons and the Lees, Two Generations of Massachusetts Merchants*; Samuel Eliot Morison, *Maritime History of Massachusetts*.]

KENNETH WIGGINS PORTER

East Jersey as a separate province begins with the execution of the "quintipartite deed" in 1676. This deed divided New Jersey⁹⁹ along a line running northwest from "the most southwardly point of the east side of Little Egg Harbor" to the Delaware River at the 41st parallel of latitude. (In 1719 41° 40' was established as the "north partition point" giving West Jersey⁹⁹ an excess of 1,000,000 acres.) The territory east of this line, henceforth East Jersey, went to Sir George Carteret. In 1682 the heirs of Carteret sold their portion to William Penn and eleven associates, each of whom sold one half of his share to a new associate, thus making a board of twenty-four proprietors. Save for the two months of the Andros⁹⁹ administration in 1688, and an interregnum from 1688-92, this board, though enlarged, governed the province until the close of the proprietary period. The Concessions and Agreement⁹⁹ formed the basic law. The population included Puritans from New England and Long Island, Scotch Presbyterians and some Quakers. To promote trade Perth Amboy was founded and became the capital in 1686. On April 15, 1702, the proprietors surrendered their powers of government to the crown but retained all rights to the soil.

[W. A. Whitehead, *East Jersey under the Proprietary Governments*, 2nd ed.]

C. A. TITUS

East Texas Missions, THE, were Spanish border institutions designed to check French aggression and to Christianize the Indians. Two were founded on the Neches in 1690, but abandoned in 1693. Renewed French encroachments led to the founding of six missions in 1716, five in the vicinity of Nacogdoches, and one in present Louisiana, fifteen miles west of Natchitoches⁹⁹. They were temporarily abandoned in 1719, but restored in 1720, and in 1756 a mission was established on the lower Trinity. Unsuccessful, three of them were removed to San Antonio in 1730, and, shortly after the transfer of Louisiana to Spain (1762), the others were suppressed.

[H. E. Bolton, *Texas in the Middle Eighteenth Century*.]

C. T. NEU

East Texas Oil Field, THE, is in the counties of Upshur, Gregg, Rusk, Smith and Cherokee, all situated in East Texas about 140 miles from the coast. This field was located in a geological structure where oil would not be expected from a scientific standpoint, so it was left to be discovered by a "wild catter." The discovery was made Sept. 8, 1930, by C. M. (Dad) Joiner as the Daisy Bradford No. 3, on the original Juan Ximinez survey. The well came in at a depth of

359⁺ feet and at a flow of 300 barrels per day. On Aug. 16, 1931, or 11½ months later, there were 1815 wells with a production by this time of 295,000 barrels. By the end of 1935 there were 19,507 producing wells with an estimated production of 820,000,000 barrels, valued at \$648,000,000. The field at this date was about forty-two miles long, and from four to eight miles wide, or about 137,000 acres.

The field is being operated under the rules and regulations of the Texas Railroad Commission.

[*World Petroleum*, March, 1936.]

J. G. SMITH

Easter Egg Rolling on the White House Lawn. The mediæval European Easter Monday custom of children competing in rolling hard-boiled eggs down a hillside, if possible without breaking them, was being practised on the terraces of the capitol grounds at Washington as early as President Madison's administrations (1809-17), and is said to have been introduced there by Mrs. Madison. Years later the frolic was transferred to the White House lawn, where it has continued ever since, being broken only by the Civil War and the World War. President Benjamin Harrison (1889-93) brought the Marine Band into the scene, and Mrs. Hoover in 1929 erected two Maypoles, around which Girl Scouts danced.

[George William Douglas, *American Book of Days*.]

ALVIN F. HARLOW

Eastland, THE, excursion steamer, overturned at its wharf in the Chicago River, July 24, 1915, at the moment of departure for a day's outing on Lake Michigan with some 2000 persons, of whom 812 lost their lives. Overloading of the top deck and insufficient water ballast were blamed for the disaster.

[Chicago Newspapers.]

G. B. RODEN

Easton, Treaty of (Oct. 8-26, 1758), was the fourth of a series of conferences held by the government of Pennsylvania from 1756 to 1758 in an effort to divert the Delaware Indians[™] of the upper Delaware and Susquehanna river valleys from supporting their brothers of the Ohio Valley who were aiding the French by laying waste the white frontier settlements of Pennsylvania (see French and Indian War). Besides the Delawares, led by Teedyuscung, there were present at Easton representatives of the Iroquois[™], who were the acknowledged overlords of the Delawares. Peace was made possible when the Pennsylvanians, led by Gov. William Denny,

and assisted by Conrad Weiser, George Croghan and others, persuaded the Iroquois to consent to the abrogation of the treaty made at the Albany Congress of 1754[™] by which they had ceded most of the lands of the western Susquehanna Valley to the English. The Iroquois also promised the Delawares the right to live and hunt in security in these western Susquehanna lands, to which most of the Delawares subsequently migrated. Negotiations looking toward a peaceful adjustment with the Ohio Valley Indians were furthered by representations brought from the West by the Pennsylvania agent, Christian Frederick Post, and two western Delawares, but no agreement was made.

[C. Hale Sipe, *The Indian Wars of Pennsylvania*.]

RANDOLPH C. DOWNES

Eaton, Peggy, Affair (1829-31). Margaret O'Neil, daughter of a Washington tavern keeper, at the age of sixteen, married John B. Timberlake, a purser in the United States Navy. In 1828, her husband died while serving on the frigate *Constitution*[™].

Meanwhile, for a decade, she and her husband had been on friendly terms with Sen. John H. Eaton of Tennessee, who stayed at the O'Neil establishment while in Washington. On Jan. 1, 1829, with the approval of President-elect Jackson, Eaton married her. Their relations had previously been a subject for the scandalmongers, whose tongues were not stilled by the marriage.

After Eaton was appointed Secretary of War, his wife became an issue. For over two years, Washington society was disturbed by an undercover social war revolving about Mrs. Eaton. The Calhouns and their friends led in the attempts to ostracize her.

Finally, in 1830, the President broke relations with Calhoun, the Eaton affair being, however, only one of several causes of the break. This was followed, in the next spring, by a Cabinet reorganization, which brought the Eaton affair into the open. For months it was publicly discussed in the newspapers. The evidence indicates that political rather than moral considerations were chiefly responsible for the whole affair.

[*The Autobiography of Peggy Eaton*; J. S. Bassett, *The Life of Andrew Jackson*.]

ERIK MCKINLEY ERIKSSON

Echo, THE, was a slave ship which, with 300 native Africans on board, was captured and brought into Charleston harbor in 1858. The Negroes were returned to Liberia; the *Echo* was condemned as a slaver in Admiralty Court[™] and sold. The captain and crew were tried under the

Federal act condemning the African slave trade as piracy. Although a conclusive case was established, the jury brought in an acquittal.

[J. G. Van Deusen, *Economic Bases of Disunion in South Carolina*.]

JOHN G. VAN DEUSEN

Econochaca, Battle of. After the massacre of Fort Mims, the Creeks^{qv} under William Weatherford (Red Eagle), a nephew of Alexander McIlvray, took up a strong position at Econochaca (Holy Ground), on the Alabama River, in the present Lowndes County, in northern Alabama. From this stronghold raids were made upon the surrounding country, and here their plunder was stored. On Dec. 23, 1813, Gen. Ferdinand Claiborne, in command of about 1000 mounted Mississippi territorial volunteers, attacked and burned Econochaca. Most of the Indians escaped to safety across the river, but the Creeks were later decisively defeated by Andrew Jackson in the battle of Tohopeka (Horseshoe Bend^{qv}).

[James Albert Pickett, *History of Alabama*; W. Brewer, *Alabama: Her History, Resources, War Record, and Public Men*; Dunbar Rowland, *History of Mississippi*.]

WALTER PRICHARD

"Economic Royalists." President Franklin D. Roosevelt, in his speech of acceptance of the Democratic nomination for a second term, delivered at Philadelphia, June 27, 1936, said, "The economic royalists complain that we seek to overthrow the institutions of America. What they really complain of is that we seek to take away their power. Our allegiance to American institutions requires the overthrow of this kind of power." He was speaking of persons prominent in finance and industry who were in general opposition to his tendency to centralize the Government and to put it into competition with private enterprise. The phrase was repeated many times thereafter.

[Frank Chapin Bray, *Headlines in American History*.]

ALVIN F. HARLOW

Ecorse River Council, THE (April 27, 1763). Detroit has been the scene of many Indian councils, but of them all none was more colorful or dramatic than the one convened by Chief Pontiac^{qv} at the mouth of the sluggish Ecorse, a few miles west of the city, in the month of April, 1763. The English conquest of Canada had been effected less than three years before, in September, 1760 (*see* Montreal, Capture of). The red men of the Northwest had never regarded themselves as subjects of the king of France, and they viewed the English, who now asserted dominion over them, as uninvited and obnoxious intruders.

Their early contacts with the newcomers served only to intensify their underlying aversion for them, and a project was soon formed for a union of the tribes to drive the English from the country.

The ablest mouthpiece of this hostility was the Ottawa chieftain, Pontiac, who reserved for himself the downfall of Detroit (*see* Detroit, Fort, Siege of by Pontiac), the chief center of British power in the West. Before war could be begun, however, the support of numerous tribes and chiefs must be enlisted, and to this end a great council of several of the tribes was appointed at the Ecorse in April. Hundreds of warriors responded to the summons, and for days trooped in, bringing their wives, papooses and dogs, to pitch their tawdry tepees where the smokestacks of a busy industrial city now pierce the sky.

When, at length, the warriors had assembled in formal session, Pontiac bent them to his will with a fiery oration which was a masterpiece of forest eloquence. After rousing their passions to fever heat by a recital of the insults and wrongs the English had inflicted upon them, he fixed their resolution to rise and destroy their oppressors by relating a message received from the Master of Life himself, exhorting them to drive from their midst the wicked English, who had come "to trouble the land."

The Great Spirit^{qv} had also provided a prayer for his followers to repeat daily, many of whose provisions indicate that white men and red have much in common. "Do not drink more than once a day," they were told. "Have only one wife, and do not run after the wives of others; do not fight among yourselves; drive off your land those dogs [the English] who will do you nothing but harm. Do not sell to your brothers what I have put on earth for food. In short, become good, and ye shall receive your needs."

Such was the message by which the orator, attributing his authority to the Great Spirit himself, drove his hearers to the grim resolution to raise the hatchet against the mighty empire of Great Britain. If the quality of oratory may be measured by the effects produced, the speech of Chief Pontiac at the Ecorse deserves to rank among the masterpieces of all time.

[C. M. Burton, ed., *Journal of Pontiac's Conspiracy*; Francis Parkman, *Conspiracy of Pontiac*.]

M. M. QUAIFFE

Eden Musee. A collection of wax effigies of celebrated and notorious persons, ancient and modern, opened in New York in 1884. There were also groups representing historical scenes, noted executions, even atrocious murders, the original

weapons and other relics of which were purchased if possible and used in the reproduction. A vaudeville program was also given. The museum became bankrupt in 1915, and the collection was sold and removed to Coney Island, where an "Eden Musee" still functions, though few of the original figures are left.

ALVIN F. HARLOW

Edenton, N. C., was founded about 1712 and called Queen Anne's Creek until 1722 when it assumed its present name, in honor of Gov. Charles Eden. It was an important 18th-century port, the capital of the colony for some time, and the residence of several royal governors. Its historic "Tea Party" occurred Oct. 25, 1774.

[R. D. W. Connor, *North Carolina: Rebuilding an Ancient Commonwealth*, I.]

HUGH T. LEFLER

Edge Foreign Banking Act (Dec. 24, 1919) provided for federally chartered foreign banking corporations to finance and stimulate foreign trade. The Federal Reserve Board⁹⁹ controls their operations. Directors must be American citizens, and the controlling interest must be in the hands of the Americans. National banks may subscribe to the stock.

[R. L. Garis, *Principles of Money Credit and Banking*.]

JAMES D. MAGEE

Edge Hill, Battle of (Dec. 5-7, 1777), was a series of small skirmishes in which Gen. Sir William Howe tested the strength of Washington's fortified camp near Whitemarsh, three miles above the present Philadelphia city limits. The British took Edge Hill but Howe decided that Washington could not be displaced, and on Dec. 8 withdrew to Philadelphia. He had, however, captured thirty prisoners, who gave a complete roster of Washington's manpower and strength of munitions. The movement had also enabled Cornwallis to carry on forage operations without molestation.

[Harry Emerson Wildes, *Valley Forge*.]

HARRY EMERSON WILDES

Education. In the early colonial period the educational and cultural institutions of Europe were transplanted to America. In all the colonies the educational custom affecting the masses of the people was that of apprentice⁹⁹ training for all who were not of independent means. A Massachusetts law of 1642 required such training of all, but added the provision requiring instruction in reading and writing. In Virginia the English Statute of Artificers of 1562—the 5th of Queen Elizabeth—was adopted in 1631-32, and

in 1705 the requirement of reading and writing was added. The New York colony specified the custom in the Duke of York's letter of 1664, but the Dutch settlers had earlier followed the European custom. Massachusetts in 1647 added the provision requiring elementary schools in every town of fifty families. The Dutch in New York had established (1637) a town school supervised by the church. In the Middle Colonies in general the elementary school was a church or a private school, which were quite numerous, and provided educational facilities throughout the colonial period.

In all of the colonies (except Georgia), the secondary school transplanted from Europe was the Latin grammar school⁹⁹. The Massachusetts law of 1647 required every town of 100 families to support such a school. During the colonial period, Connecticut and Maryland established systems of grammar schools, one for each county. Such schools failed to meet the needs of a new country, and a more flexible school with a broader curriculum began to appear by the middle of the 18th century. First in private schools and, before the Revolution, in endowed schools, the academy⁹⁹ began to replace the Latin grammar school. In all of the colonies the European idea that every complete and independent political unit must have a university was commonly held. Such institutions were founded in most of the colonies though in the three Southern colonies these did not materialize until the early national period. Meanwhile, during the colonial period many students from the Southern colonies as well as from the other colonies were sent to Europe for higher education, usually to the law schools of London. The colleges or universities⁹⁹ of the older colonies in order were: Harvard, William and Mary, Yale, Princeton, Columbia, Pennsylvania, Brown, Rutgers and Dartmouth⁹⁹. The chief promotional interest in these is indicated by their names. The names of individual donors are borne by six, if William and Mary is included in the list. On the other hand, three bore the names of monarchs: William and Mary, Kings (later Columbia) and Queens (later Rutgers). Two bore the names of localities which subsidized them. One (Pennsylvania) was the result of the efforts of one man—Benjamin Franklin. Only the order of the founding of these institutions is given since there is usually great discrepancy concerning the date of founding, whether it should be the date given the first legal suggestion, or the date of the actual charter, or the date of the beginning of instruction. The actual date of founding depends on which one of these dates is taken as decisive. While founded

for training of leaders in both church and commonwealth, the college students of the colonial period were mostly in training for the ministry. Until after the middle of the 18th century, 90% of all graduates of New England colleges entered the ministry. In time, as the legal profession replaced the clergy as leaders of society with the development of revolutionary political ideas, the ministry ceased to dominate the colleges.

In the early national period, education as with all cultural institutions and customs was modified to adjust to the social environment of a new frontier country. In the elementary school field, the district school^{er} replaced town schools in the New England communities and in the Northern states in general. In the Middle states, charity^{er} or private schools, usually supported and controlled by the church, dominated, but in many places the charity school was a private group enterprise. In Pennsylvania and Virginia and in the Middle and Southern states in general, the private schools were accustomed to take a limited number of pupils on a charity basis. In cities, public school societies developed such schools as systems; but with the development of democratic sentiment such societies became free school societies and in time passed under the control of city or state (*see* Schools, Public).

The problem everywhere was that of support of a system which would care for all children. Aside from New England, no region had the tradition of supporting the schools by taxation. Hence, a great variety of schemes were experimented with. In urban centers the Lancasterian or monitorial system became very popular. By the use of older pupils in the management and instruction of the younger, it was claimed that one teacher could instruct 500 or even 1000 children. The cost of such instruction was reduced to \$1 per year per pupil. Thus only could the early 19th century see how schools could be supported. Hence, in towns and cities such monitorial schools flourished. As with the district school, such systems demonstrated the possibility of popular education at public expense. However, the usual method of school support throughout the Northern and Western states was by the rate bill system combined with a common school fund. The National Government made very large grants of public land to common school purposes (*see* Land Grants for Education). The money derived from the sale of such lands created a common school fund. The interest on this fund went to the support of schools. In many states such funds were dissipated or were lost or disappeared, oftentimes through fraudulent carelessness. In only one state did the fund ever support schools

in their entirety. This was the State of Connecticut (from 1821-54).

Under the rate bill system, schools were usually taught for as long as the public funds would support them. Then the school children were "rated" or taxed as the law provided. The tuition thus levied went to the support of the teacher. Parents who could not afford or did not wish to pay such tuition withdrew the children from the schools. In the Middle and Southern states the system in vogue was that of charity schools. At basis, all schools were private at which most children paid a tuition rate for attendance. If their parents could not afford such fees for tuition, private philanthropic parties in the church or the state paid the tuition rate so the children became charity pupils and the school a charity school. In the region where the charity schools prevailed, this system was usually known as the "odious charity school system" while in the region where the other system prevailed, it was known as the "odious rate bill system." The charity schools, however, were direct descendants of the aristocratic system of schools in vogue in England and in most of the American colonies. Even yet in many of the older regions of the United States a free school is not popular because it carries a tinge of charity, while in most regions of the country there is still some administrative connection between poor relief and education. This is a survival of the origin of free education in the Poor Relief Law of England.

In the early national period the secondary school which flourished was the academy which replaced the old Latin grammar school. The academy offered a wide selection of subjects; during the decade of the 1830's the regents of the State of New York reported over eighty subjects taught in the academies of that state. The academies were usually controlled by boards of trustees, were usually resident schools, usually charged some tuition, and frequently were endowed or subsidized by state support.

The outstanding feature of college education of the early national period was determined by the famous Dartmouth College decision of 1817^{er}. By this decision of the Supreme Court, the chartered college was declared exempt from state control through state-appointed trustees. Thereafter the various religious denominations were very flourishing, and established a great number of these independent denominational colleges. The political authorities in their turn quite generally established state universities^{er}, controlled by regents either elected directly or by the legislatures or appointed by public authorities, and supported from tax funds. Practically every state,

except those where pre-Revolutionary colleges existed, established state universities. Denominational colleges⁹⁹ multiplied until there were 600 or 700 such institutions.

During the third or late national period, educational, along with all other types of institutions, cultural, political, social and economic, developed into truly American institutions expressive of American ideals and traits of American life and woven into a social whole. The educational system became free and universal. Support by taxation was quite generally established immediately following the Civil War. The district system of one room, one teacher, ungraded school prevailed almost universally aside from the urban communities, but consolidation of schools⁹⁹ was developing, and centralization of authority and of administration was rapidly becoming a universal tendency as the township or county system was superimposed on the old district system. A graded course of study, trained teachers and enriched curriculum, and a more hygienic environment now characterized the unified school.

The high school⁹⁹ replaced the academy as the public secondary school characterized by a scientific, unified and simplified curriculum for all, supported by general taxation, open freely to all, controlled by the public school authorities and responsive to public opinion. The high school became, as it was called, the college of the common people. The famous Kalamazoo Decision⁹⁹ of 1874 declared the high school to be within the competency of public school authorities, and systems of such schools developed everywhere as a part of the public school system. Later developments of the 20th century have brought it about that practically every American child attends the high school, as a child of the previous generation was compelled to attend the elementary school. In other words, the high school period is generally included in the period of compulsory education.

During the closing period of the 19th century, the American college developed into the American university. While the American college includes much instruction that in European institutions would be found in the secondary school, yet the universities represent a parallel to the institutions that represent higher education in Europe. Technical schools in all lines make up the basis of university work. However, higher instruction in medicine⁹⁹ was evolved even before the Revolution; in law⁹⁹, before the close of the 18th century; engineering⁹⁹, with the independent faculty or schools, about the second quarter of the 19th century. Science faculties with schools of mines evolved somewhat later, while business

instruction, journalism, fine arts, were all added as separate faculties around the close of the century; but it is the research work of the faculty of philosophy and of the newer science faculties that largely distinguished the modern university.

Since the World War, successive changes have occurred in education, the significance of which cannot yet be calculated or even characterized. However, it is obvious that modern inventions have added new methods or technique to education, that the traditional education has not as yet shown a mastery of the radio, the moving picture, of broadcasting or of rapid transportation through the automobile⁹⁹.

[E. W. Knight, *Education in the United States*; Stuart A. Noble, *History of American Education*; G. H. Martin, *The Evolution of the Massachusetts State School System*; Paul Monroe, *History of Education in U. S. to the Close of the Civil War Period*; E. P. Cubberley, *Public Education in the United States*.]

PAUL MONROE

Education, Board of, represents an evolution in public educational administration which began when the state took over from the church the responsibility for the direction of public education⁹⁹. In the early national period, especially in the Eastern states, the people in their town meetings⁹⁹ controlled the schools, as other matters. As education became less simple in administration, special school committees were appointed by the people. In 1826 Massachusetts ordered each town to elect a separate committee to have general direction of all its public schools⁹⁹. This legislation was copied widely during the educational awakening in the second quarter of the 19th century, and represents the final step in the transfer of educational responsibilities to a specially designated board of control. The constitution of every state now provides for the administration of public education, and from this source school boards receive their authority. Some boards are elected; some appointed; some have both legislative and executive powers. Within the limits of state legislation the boards are free to direct the schools under their charge. Practices vary throughout the country in the local management of schools, but in general follow certain definite principles of administration.

[E. P. Cubberley, *Public School Administration*.]

EDGAR W. KNIGHT

Education, Centralization of. Compared with the educational systems of other countries, the educational system of the United States is highly decentralized. This is true even of such federated governments as those in Germany, Switzerland and Canada. In reality, the United States has forty-

nine systems of education instead of one, but so powerful and so uniform are conditions and influences shaping these systems that they are usually described as one system. In the origin of American education, the Federal Government played little part in shaping educational practices. The Federal land grants found in the ordinances of 1785 and 1787th constituted almost the only activity of the Federal Government until the Civil War, when the land grant agriculture and mechanical arts colleges were founded. Also in the 20th century, an additional act (the Smith-Hughes Act of 1917th) extended aid to instruction in mechanical arts, household arts and similar subjects in the public schools.

All the influences and tendencies which restricted the local freedom allowed under the district schoolth system were steps toward greater centralization. Thus the union schools, and later the consolidated schoolsth were steps in centralization. Gradually the state assumed power over training and examination of teachers, over selection of textbooks, over furnishing free textbooks, over hygienic conditions and character of school buildings and, after the consolidation of schools, with the transportation of pupils. These steps were taken at different times in different states, so a generalization as to the time of these steps in centralization cannot be made. The steps were usually forced on the local school units as the price of participation in the distribution of common school funds or funds secured by general state taxation. In recent years the chief feature in inducing centralization is the growing belief in the necessity of equalizing school funds available to various communities. This equalization tax appears first within the county or township unit, then within the state, and now it is advocated within the nation itself by our leading educational organizations and educational authorities. The equalization of funds means that, through the establishment of larger units of distribution, the poorer communities share in the funds raised by the wealthier communities, and thus educational opportunities are placed on a basis of greater equality.

During the economic depression of the second third of the 20th century, the Federal Government came to the support of education in a variety of ways, all tending toward the centralization of education. Though it is proclaimed that this distribution of funds from Federal sources is without the purpose of concentration of authority, nevertheless it is a sound principle in government to assume that authority ultimately inheres in the source of funds. How far this tendency toward centralization should be permitted or

encouraged, is one of the greatly debated problems in education of the present generation.

[E. P. Cubberley, *School Funds and Their Apportionment*; Cubberley and Elliott, *State and County School Administration*; F. H. Swift, *Federal and State School Finance*; Paul Mort, *Measurement of Educational Need, State Aid for the Public School for the State of N. Y.*, and *A Plan for Providing Equality for Educational Opportunity in Kansas.*]

PAUL MONROE

Education, Land Grants. See Land Grants for Education.

Education, Office of, was established as a Department of Education by act of Congress approved March 2, 1867; but by an amending act, effective July 1, 1869, it was reduced to a Bureau under the Department of the Interiorth, where it remained until 1939 when it was transferred to the newly established Federal Security Administration. Primarily, it is intended to serve as a fact-finding and advisory agency, collecting and disseminating school statistics and information on the organization and methods of education. Dissemination of information may be through speeches, conferences and correspondence, but is chiefly through the many publications of the Office, notably its *Bulletins* and *Circulars*, its comprehensive *Biennial Survey of Education*, and its monthly magazine, *School Life* (est. 1918). An important phase of its advisory work, developed largely since 1910, is the making, upon invitation, of intensive and critical surveys of school systems of cities, counties or states. In recent years special study has been given to the possibilities of radioth as an educational channel. Also, there has been special promotion of adult educationth, including public forums, and of library facilities and service.

The duties of the Office of Education were greatly increased in 1933 when, under executive order, there were transferred to it the functions of the Board for Vocational Education, which board, originally established as an independent agency in 1917, was continued in existence in merely advisory capacity, its members to serve without compensation. Before Federal funds provided in the Smith-Hughes Act of 1917th and in subsequent vocational education legislation can be released to the states, the Office of Education must examine and approve vocational education plans and programs drawn up by the state boards. Upon the Office also devolves the responsibility for seeing that such programs are carried out and that, generally, the Federal aid is efficiently expended. Beginning in 1885, the Office of Education had charge of providing educational facilities for the children of Alaskan na-

tives and also, after 1910, of providing for these natives medical and hospital service, but in 1931 these duties were transferred to the Indian Office^o. The Reindeer Service, also built up under the Office of Education, was, in 1930, put under the direction of the governor of Alaska.

[D. H. Smith, *The Bureau of Education*; W. S. Holt, *The Federal Board for Vocational Education*.]

OLIVER W. HOLMES

Edward, Fort, was built in 1755 by Gen. Phineas Lyman to protect the advance of the expedition against Crown Point^o, commanded by Col. William Johnson (see Lake Champlain in the French and Indian War). It was located at a spot called the Great Carrying Place, on the east side of the Hudson, fourteen miles south of Lake George, and stood at the junction of two Indian trails to Lake Champlain. Originally called Fort Lyman, after the battle of Lake George^o the name was changed by Johnson to Fort Edward in honor of a grandson of King George II. It was later strengthened and strongly garrisoned, and played an important part in the defense of northern New York against the French. Allowed to fall into disrepair, the fort was abandoned in July, 1777, by the Americans in the face of Burgoyne's^o advance.

[F. Parkman, *Montcalm and Wolfe*; A. C. Flick, ed., *History of the State of New York*, Vol. IV.]

A. C. FLICK

Edwardian Theology, THE. To his contemporaries a conventional though brilliant Calvinist, Jonathan Edwards appeared to later generations a radical theologian who had endeavored to bring contemporary thought (primarily British) and Christian orthodoxy to terms in his posthumous writings on metaphysics and ethics. For the rest, however, he interpreted Christian theology within the framework of the Westminster Confession^o. Obscurities in the latter's chapter on "Assurance" prompted Edwards to an empirical study of varieties of religious experience (*The Nature of the Religious Affections*) for which the Great Awakening^o supplied ample case material. He had already helped initiate the revival by his solution of the Calvinistic dilemma of divine sovereignty and human initiative. The principles set forth in sermons at that time (1735), directed against the passivism which is the nemesis of Calvinism, later found full-fledged expression in his most famous dissertation, *On the Freedom of the Will*.

A. C. MCGIFFERT, JR.

Edwards, Fort (1816-24), was a frontier post erected, 1816-17, where Warsaw, Ill., now stands.

It supplanted a cantonment built near by in the fall of 1815, which in turn had replaced Fort Johnson, erected by Maj. Zachary Taylor in September, 1814, and destroyed the following month. Fort Edwards was a palisade work of square timbers with barracks for one company. After 1818, a government factory for Indian trade was located there. Except for short periods, Fort Edwards was garrisoned by small detachments of United States regulars until its abandonment in July, 1824.

[Journal of Stephen Watts Kearney, in *Missouri Historical Society Collections*, III; Stephen H. Long, *Voyage in a Six-Oared Skiff*... in 1817, *Minnesota Historical Society Collections*, II, Part 1.]

PAUL M. ANGLE

Effective Occupation. When from the middle of the 16th century rivals seriously challenged Spain's monopolistic claims in the New World, she sought to justify her title by right of prior discovery. In answer the argument was advanced that discovery alone was not sufficient, and the exclusion of others was warranted only where the Spaniards, in Queen Elizabeth's words, had "actually settled and continued to inhabit." The English, in settling their 17th-century colonies under royal charters authorizing occupation of lands "not now actually possessed by any Christian prince or people," were joined by the French, Dutch and others in giving practical application to this principle of effective occupation. When Spain by the Treaty of Madrid^o in 1670 formally recognized England's rights to the areas she had occupied, the general acceptance of the principle was complete. An important doctrine in modern international law, the tests of effective occupation have been the subject of frequent definition. For this earlier period it is difficult to lay down any more definite rule than the ability to make actual physical trouble for those entering a given area or port.

[A. P. Higgins, in *Cambridge History of the British Empire*, Vol. I; A. P. Newton, *The European Nations in the West Indies, 1493-1688*.]

WESLEY FRANK CRAVEN

Egg Harbor, N. J., Engagement at (Oct. 15, 1778). Pulaski, with his Legion, had been sent eastward from Princeton, N. J., to protect American vessels operating against British shipping. Before daylight, guided by information from a deserter, a British detachment attacked and surprised the American encampment, inflicting heavy loss.

[B. J. Lossing, *Field Book of the American Revolution*, Vol. II.]

THOMAS ROBSON HAY

"**Egypt**" is a colloquial term applied to the southernmost quarter of Illinois, although the boundaries are not closely defined. Various traditions account for the origin of the term, but it probably resulted from the deltalike character of the Cairo region and the presence of several Egyptian place names. There is written record of the use of "Egypt" as early as 1855, but evidence indicates that it was a part of common speech long before that date.

PAUL M. ANGLE

Eight-hour Day, Movement for. *See* Wages and Hours of Labor.

Eighteenth Amendment, THE, to the Constitution prohibited the manufacture, sale, transportation, importation or exportation of intoxicating liquors for beverage purposes, and authorized Congress and the several states to enforce this prohibition by appropriate legislation.

The Anti-Saloon League of America[®], founded in 1893, had launched its campaign for national prohibition[®] in November, 1913. A joint resolution of Congress, sponsored by Sen. Shepard and Rep. Hobson, failed of the necessary two-thirds vote in the House, Dec. 22, 1914. Three years later, both Houses voted to submit the proposed amendment to the states. Neither major political party cared to sponsor the movement and it remained strictly nonpartisan. Nebraska, the thirty-sixth state to ratify, acted on Jan. 13, 1919, making the amendment effective; nine others soon followed, leaving only Connecticut, New Jersey and Rhode Island, which failed subsequently to accept the measure.

In the meantime, prohibition, until the completion of demobilization of our World War army, had been voted, and on Oct. 27, 1919, the Volstead Act[®] was finally passed to enforce the amendment.

Cessation of the normal channels of supply gave employment to thousands of peddlers, called bootleggers[®], and led to many surreptitious shops, known in the vernacular as speak-easies[®], being made available to the initiated. (*See also* Rum Row.)

A National Commission on Law Observance and Enforcement, colloquially known as the Wickersham Commission[®] on Prohibition, filed with the United States Senate a five-volume report (1931). This document stated that in 1929 prohibition agents had seized 15,730 distilleries, 11,416 stills, 7982 still-worms and 1,140,063 gallons of spirits. Demand for grapes to be used for private winemaking had been four times as large in 1925 as in 1917. The volume of production

of hops, a universal ingredient of beer[®], indicated consumption of illegal beer at possibly 543,000,000 gallons in 1927.

Illicit hard liquor was both imported and manufactured in large quantities. Canada profited largely by placing an export tax upon liquor, returnable to the exporter if he presented an authenticated landing slip. Records of that government showed 3,871,263 gallons exported from 1925 to 1928. In the single year 1929, 105,000,000 gallons of denatured alcohol were withdrawn from bond, about five times the amount used in 1917. How much of this was sold as potable can never be determined, but newspapers reported many cases of severe illness, blindness and death resulting from beverage use of poisoned alcohol.

In 1930, the Federal Director of Prohibition made public an estimate that there were made in the year ended June 30, 1930, 118,476,200 gallons of wine, 684,476,800 gallons of beer, 73,386,718 gallons of spirits.

In the first ten years of enforcement effort 71 officers and 181 civilians were killed. The Federal courts had received, up to 1933, 595,104 criminal cases under the Volstead Act; for the fiscal year 1932-33 the Federal budget allotted \$11,369,500 for enforcement.

By 1932 public sentiment in support of the amendment was definitely waning—juries were refusing to convict and states were withdrawing their concurrent support. Both the American Legion and the American Federation of Labor[®] demanded repeal. The Republican platform demanded return to state option; the Democratic platform read, "We favor repeal of the Eighteenth Amendment." A better than two-thirds vote in Congress started a repealing amendment (*see* Twenty-first Amendment) to the states in February, 1933, providing for the first time in American history that ratification should be by special convention rather than legislative action. On Dec 5, 1933, the Eighteenth Amendment was repealed.

[*Official Records of the National Commission on Law Observance and Enforcement*, 5 volumes, Washington, 1931; *American Year Book*, 1932, 1933.]

ROBERT G. RAYMER

El Caney, Battle of. *See* San Juan Hill and El Caney.

El Dorado Oil Field, THE, adjoining El Dorado, Kans., is less than seven miles wide by twelve long; yet ranks among the great producers. Oil was first struck in 1915 at 660 feet. Other oil-sand levels, some a half mile deep, were found. The Trapshooters Well, drilled in

1917, gushed out 24,000 barrels in a single day, overflowed all tank space and filled hastily built ponds. The field's peak production of 30,000,000 barrels annually was attained in 1918. In twenty-two years it has yielded 168,000,000 barrels and is still (1939) producing.

[Jessie Perry Stratford, *Butler County's Eighty Years*; Walter A. Ver Weibe, *Oil Fields in the United States*.]

BLISS ISELY

Election Laws. By the Constitution⁷⁷ of the United States (Article I, Section 2, Clause 1; also Section 4, Clause 1), legislation regarding elections was handed over in large part to the states. The earlier laws passed by the states were brief and fragmentary, being confined as a rule to stating qualifications for suffrage⁷⁸, fixing boundaries of election districts, and prescribing methods for choosing election officials. Also they defined and fixed penalties for various offenses such as bribery, intimidation, ballot-box stuffing and the like. Workable enough in rural districts where voters knew each other, these enactments broke down badly in larger urban centers even before the Civil War. Campaign funds were collected and disbursed in shady ways; "phony ballots" were foisted on unwary voters; machine politicians herded crowds of "colonists," "repeaters" and "impersonators" to the polls. In some precincts where the names of the dead were not removed from registry lists, so-called "phantom voters" appeared and cast their ballots regularly.

Numerous efforts were made to combat these evils. Among the more important initial reforms were the Personal Registration laws passed by New York and California in 1866; the Australian Ballot Law of Kentucky in 1888; the New York Corrupt Practices Act of 1890; and the Wisconsin Direct Primary Law of 1903. Each of these was imitated and elaborated upon by many other states; in 1925 the Sixty-ninth Congress also passed a Federal Corrupt Practices Act. (*See also Campaign Resources and Uses*.) At present all details of the voting process are prescribed minutely—registration; printing and distribution of ballots; furniture of polling places, construction of voting booths and ballot boxes; types of voting machines, duties of election judges and clerks, presence of watchers and challengers; forms used in counting, recording and reporting the vote; custody of ballot boxes, the final official count and the conduct of contested election⁷⁹ cases. Direct primary elections, initiative and referendum votes, and recall⁸⁰ elections are similarly provided for at length. So great has been the amount of legislation on this subject

that the compendiums published by several states now run to printed volumes of considerable size, e.g., 417 pages in the case of Massachusetts, 359 pages in the case of Maryland. Compiled anew from time to time, each of these manuals serves as an extremely practical reference book for candidates and their backers, sometimes being referred to rather irreverently as "the politician's Bible." One major consequence of the mass of legislation noted above is that parties, which originally were purely voluntary associations, have now become officially recognized organizations, the rights and duties of which are prescribed in large degree by the state.

[*Tercentenary Edition of the General Laws Relating to Primaries, Caucuses and Elections of the Commonwealth of Massachusetts*.]

ROBERT C. BROOKS

Election of the President. After prolonged discussions of various methods of electing the President the framers of the Constitution⁸¹ finally settled the matter with the provision: "Each State shall appoint, in such manner as the legislature thereof may direct, a number of electors equal to the whole number of Senators and Representatives to which the State may be entitled." This was a plan of election by assemblies of state notables expected to exercise independent personal judgment at meetings in their respective states. Since the presumption was that they would vote with no announced candidates, the ballots would normally be cast for so many different persons that a majority would be rare. They would, in Madison's opinion, fail to elect a President "nineteen out of twenty times." Hence the constitutional provision that in such cases the House of Representatives should elect the President from the three standing highest in electoral votes, with each state casting one vote. Thus the framers expected the Electoral College to serve as little more than a nominating agency.

Madison's prediction was upset by the unforeseen concentration of votes on two opposing sets of candidates by 1796, due to the unexpected emergence of political parties⁸² with candidates for President and Vice-President, selected in party caucuses⁸³ of congressmen. The third election produced a crisis due to the defect of the constitutional provision that electors shall "vote by ballot for two persons" without designating the office for which each vote was intended. This blind voting produced the tie vote on Jefferson⁸⁴ and Burr, an inevitable result where each elector merely registered his party choices. This defect was corrected by the Twelfth Amendment's⁸⁵ requirement that electors cast

votes specifically for President and Vice-President.

Since the Constitution authorized state legislatures to determine the method of choosing a state's electors, they at first generally chose to perform that function themselves. By 1824, however, the present method of voting for electors in a general election was becoming prevalent enough to produce the conviction for the first time that the people were electing the President (*see* Campaign of 1824). Consequently when the House of Representatives in 1824 failed to elect Jackson, after he had received a plurality of the electoral votes among four candidates, it was widely regarded as a defiance of the popular will (*see* Corrupt Bargain, The). Since the election of Jackson in 1828 the Electoral College has been regarded as merely formally registering the people's choice at the polls. This popular conviction has been strengthened by the fact that, since the 1830's, nominations of presidential candidates have been made by national conventions²⁷ of delegates theoretically expressing the choice of the rank and file of the party.

In the Hayes-Tilden election of 1876 four states each sent in two conflicting sets of electoral ballots. The obscurity of the Constitution as to the method by which Congress was to determine which ballots should be counted in such cases led to a deadlock between the Republican Senate and the Democratic House of Representatives which was resolved only by the creation of an extraconstitutional Electoral Commission (*see* Campaign of 1876).

In 1887 Congress passed the Electoral Count Act providing that whenever a state presents one clearly regular electoral return it cannot be rejected. When there are conflicting returns Congress will count the one sanctioned by the tribunal the state may have authorized for that function; otherwise the concurrent vote of the two houses of Congress shall decide, unless they cannot agree, in which case the state loses its vote. When one of the two returns from a state is certified by its governor that one is counted unless the two houses by concurrent vote reject it; when neither set of returns has the governor's certificate, the two houses by concurrent resolution decide which to count (*U. S. Statutes*, Vol. 24, pt. 2, pp. 373-375).

[A. C. McLaughlin, *A Constitutional History of the United States*.]

W. E. BINKLEY

Elections. *See* Campaigns of various years.

Elections. An election is the choice of a person

or persons for public office by legally qualified electors. It differs from appointment where designation is made by some official or body of officials. In the Federal Government of the United States there are only 533 places filled by popular vote, viz., the Presidency, the Vice-Presidency, 96 seats in the Senate and 435 in the House of Representatives; whereas in 1936 there were 824,000 appointive positions. In state and local governments the proportion of elective officials is somewhat larger, but here also as a rule the number of appointive officials is much greater.

In popular speech the term election is applied also to votes upon questions authoritatively submitted to the electorate, i.e., Initiative and Referendum proposals, the ratification of state constitutions and city charters or of amendments thereto²⁸. It seems preferable, however, to distinguish between votes which affect only constitutional and legislative policies, and elections proper which decide between candidates for office. Under the latter are included final elections, also Direct Primary elections where nominations are at stake, and Recall elections in which the tenure of an officeholder or group of officeholders is attacked before the expiry of the term fixed by law. It does not follow that an election in the more precise sense is concerned solely with candidates, they stand upon platforms or for certain principles and policies which the voter is presumed to take into account in deciding between them.

The prime although often lethargic factor in elections is the electorate (*see* Franchise, The). It is made up of all those persons who possess the qualifications as set down in constitutions and laws of state and nation for the exercise of the right of suffrage. In order to prevent frauds more than forty states have passed Personal Registration laws which make it necessary for the otherwise qualified voter to appear before a Board of Registrars and give information necessary to identify him at ensuing primary or final elections. Owing to the diversity of state legislation on suffrage it is impossible to do more than estimate the number of qualified voters in the United States. Excluding those under twenty-one, unnaturalized aliens, persons not possessing residence requirements or temporarily disqualified for other reasons, the proportion of the total population at present qualified is usually placed at between 40% and 45%. Approximately exact figures are obtainable for the number of registered persons, who alone are fully qualified to vote in registration areas. In 1932 the total registration was 46,965,230, of

whom 39,734,351, or 84.6%, voted in the presidential election of that year.

The active factors in elections are political parties²⁷, particularly the two major parties, each of which has an elaborate organization paralleling the official structure of Government from top to bottom. Its most important elements are National Committees, State Committees, District, County, City and Precinct Committees. After nominations have been made in Direct Primary elections or delegate conventions it is these elaborate party organizations which go into action. They raise large campaign funds (see Campaign Resources and Uses), send out candidates and innumerable other orators, prepare and distribute enormous quantities of propagandist pamphlets and leaflets, make appeals by press, radio and movies²⁸; and resort at times to other less reputable or even criminal devices. All the above methods are employed with the purpose, first, of holding and strengthening the support of convinced partisans; and, second, of converting the lukewarm or even hostile elements of the electorate in sufficient numbers to achieve a victory on Election Day.

Elections may be either direct or indirect. In the former, decision rests upon the attainment of a majority or, more commonly, a plurality of the total number of popular votes cast. The principal form of indirect election still prevailing in the United States is in the choice of the President and Vice-President by an Electoral College²⁹, itself now chosen by the voters in the separate states (see Article II, Section 1, Clauses 2 and 3, Constitution of the United States). Ordinarily the result in the Electoral College exaggerates greatly the result of the popular vote in the country as a whole. However, there have been cases when the successful candidate for the highest office in the land has received less than a majority of the popular vote (Lincoln, 1860; Wilson, 1912, 1916). Cases have even occurred (Hayes, 1876; Benjamin Harrison, 1888) of successful candidates who did not even receive a popular plurality, actually standing lower in the scale than their principal rivals.

In addition to the simple and still predominant plan of election by direct majority or plurality vote, various preferential or proportional methods have found increasing acceptance of recent years. Their common purpose is to prevent the often greatly exaggerated success achieved by the largest party whenever candidates are chosen in single member districts. Among these new methods are the Limited Vote plan, according to which each elector votes for only two candidates where there are three

places to be filled; the Cumulative Vote plan under which the voter is permitted to plump all his votes to the one or two candidates he favors particularly; and Preferential Voting, also known as the Grand Junction or Bucklin plan, which permits the voter's second or third choices to be considered in case no candidate receives an absolute majority of first choices. By far the most accurate and satisfactory plan of this character, however, is Proportional Representation³⁰, which is now in use in several commission³¹ or commission-manager cities. Its inclusion in the City Charter of New York City, adopted by popular vote, Nov. 3, 1936, and the successful experience with its application for the first time in the councilmanic election of 1937, indicate that it may find favor in the councilmanic elections of other cities, also in elections of state legislatures.

Following old English tradition many of the earlier elections in the United States were *viva voce* affairs. This method of voting died out during the earlier decades of our national history. Since the Civil War the use of election papers or ballots³² has been universal. Unfortunately, with the multiplication of elective offices, our "blanket-ballots" have become the largest and most complicated used anywhere in the world. To remedy the difficulties which they occasion the Short Ballot idea has been advocated widely, its chief successes to date being in commission and commission-manager cities. Of recent years the rapidly increasing use of voting machines³³ has contributed greatly to the speed and accuracy of election counts.

Participation in elections was large from the Jacksonian period onward. In presidential elections from 1856 to 1888 it amounted to 80% or better of the total number of qualified electors. Thereafter a slow decline set in, climaxed by a sharp drop to 52.4% in 1920. To a large degree this startlingly low figure was due to the fact that women were enfranchised, nationally, late in the course of the campaign of that year (Aug. 26). Unfamiliar with election processes, it is estimated that two fifths of them failed to vote; indeed, under the laws of some states they were unable to register before Election Day. Some improvement as to participation was shown in the presidential election of 1924. In 1928 the candidacy of Alfred E. Smith and the perfervid interest in the prohibition³⁴ issue brought 86.8% of the registered voters to the polls. Participation was at a slightly lower level in 1932; four years later, however, the turnout reached the impressive total of 45,646,817, 82.9% of the total number of registered voters.

From a constitutional point of view the most important presidential election was that of 1800, in which Jefferson and Burr received exactly the same number of votes in the Electoral College (see Jefferson-Burr Election Dispute). To avoid such deadlocks in the future the Twelfth Amendment⁷ was added to the Constitution (Sept. 25, 1804), providing that thereafter separate ballots for the President and Vice-President should be taken. The contested election of 1876⁸ created a most dangerous situation; even the possibility of civil war being widely feared. As a result a Federal statute was enacted in 1887 which endeavors to foresee and to provide for every possible case of disputed votes in the Electoral College. From a political point of view the election of 1800, which marked the accession to power of the Jeffersonians, and the election of Lincoln in 1860 are clearly of major importance. Among recent presidential contests those of 1896, 1912, 1920, 1928 and 1932 are of more than usual significance. It is an interesting fact that every presidential election beginning with that of 1920 has been won by a landslide, the Republicans being victorious three times and the Democrats twice. (See separate articles on Campaigns, Presidential.)

[E. E. Robinson, *The Presidential Vote, 1896-1932*; C. E. Merriam and H. F. Gosnell, *Non-Voting, Its Causes and Methods of Control*; R. V. Peel and T. C. Donnelly, *The 1928 Campaign*, and *The 1932 Campaign*.]

ROBERT C. BROOKS

Elections, Contested. National and state constitutions and statutes, and sometimes municipal charters, prescribe how the right of a person who has been officially declared elected to an office may be legally contested. Where no such provision has been made, resort may be had to the common law writ of *quo warranto*, which commands the person holding the certificate of election, or in actual possession of an office, to appear before a court to show by what warrant or authority he claims to perform the functions of the office in dispute. This initiates a judicial investigation of all the circumstances surrounding the election. Contests are usually based upon one or more of the following grounds: (1) alleged misconduct on the part of polling officials; (2) the ineligibility of the person declared elected; (3) corrupt or illegal practices on the part of the successful candidate or his agents and with his knowledge; and (4) the counting of illegal, and the exclusion of legal, votes sufficient in number to change the result.

Contested election cases are decided by a variety of tribunals. The two houses of Con-

gress pass upon cases involving presidential electors where (since 1886) state authorities fail to do so; and each house is made the sole judge of the election and qualifications of its own members. Similarly, most states make each branch of the legislature the judge in cases involving its members; and in most cities the council passes upon the election of its members. Contested elections of other state and local elective officers are sometimes decided by the legislature, though more commonly by the courts.

[*Cyclopedia of Law and Procedure* (1905), XV, 393 ff.; A. C. McLaughlin and A. B. Hart, *Cyclopedia of American Government*, I, 655-656; R. Luce, *Legislative Assemblies*; C. H. Rammelkamp, *Contested Congressional Election Cases in the United States*, *Pol. Sci. Quar.*, XX, 421-442, September, 1905; P. L. Haworth, *The Hayes-Tilden Disputed Presidential Election of 1876*.]

P. ORMAN RAY

Elections, Disputed. See Jefferson-Burr Election Dispute; Campaign of 1824; Campaign of 1876.

Elections, Primary. See Primary, Direct; Senators, Election of.

Electoral College. The framers of the Constitution rejected popular election of the President because they feared that the scattered and relatively isolated communities of the Federal union could not become sufficiently informed about candidates. They provided instead for indirect election whereby a number of selected electors meeting in each state, and equal to its representation in the two houses of Congress, would each "vote by ballot for two persons" (see Constitution of the United States, TEXT, Article II). Since the voting was to be by separate state groups of electors, presumably without announced candidates, it was supposed that the electoral balloting would usually fail of the majority required for any election, in which case the House of Representatives, with each state casting a single vote, would choose the President, and the Senate the Vice-President.

As late as the third presidential election (1796) the electoral votes were scattered among thirteen candidates. Contrary to the expectations of the fathers, political parties were emerging and concentrating on distinct presidential candidates so that by 1800 every elector but one cast a party vote, which has since become the fixed custom.

Presidential electors in the earliest elections were chosen in a variety of ways, but since the Constitution permits state legislatures to determine the method, most legislatures were soon selecting them directly. In the late 1820's demo-

cratic tendencies compelled popular choice of electors, which is now universal.

After the voters in the November elections have chosen the presidential electors the latter meet in their respective state capitals on the first Monday after the second Wednesday in December to cast their ballots for President and Vice-President. These ballots are then transmitted to the President of the Senate where they are counted in the presence of the two houses of Congress in accordance with the provisions of the Electoral Count Act of 1887 (*see* Election of the President). The ones receiving majorities of the electoral votes are then declared elected, President and Vice-President respectively.

[F. A. Ogg and P. O. Ray, *Introduction to American Government*.]

W. E. BINKLEY

Electoral Commission. *See* Campaign of 1876, The.

Electorate, The. *See* Franchise, The.

Electric Light and Power. The widespread use of electricity is one of the most important developments of modern times. Electricity provides a safe, economical and highly efficient means of illumination that is valuable domestically, commercially and industrially. For power purposes it has largely displaced the steam plant and with good reason. Electric motors are easily adaptable to the needs of different industries and to different needs within an industry; they provide a cleaner and more compact source of power than steam; and are indispensable for the small plant that cannot afford the installation costs of other types of power units. Electricity has also made possible such modern necessities as the internal-combustion engine, the telephone, telegraph, radio, moving pictures, electrochemistry and metallurgy, electrotherapy, a wide variety of devices for lightening household tasks, etc. It is difficult to conceive of life today without the use of electric light and power.

The Greeks are said to have had a vague knowledge of electricity as early as 600 B.C., but electrical experiments of any significance did not take place until the 17th and 18th centuries. Benjamin Franklin was an important early American experimenter. Sir Humphry Davy may be given credit for the first practical demonstration of an arc light (1809), while Edison is commonly credited with producing the first practical incandescent lamp⁷⁷ (1879). Edison's lamp consisted of a carbon wire sealed in a glass bulb from which most of the air had been drawn, and is the prototype of the modern gas-

filled tungsten lamp. The use of electricity for power purposes had to wait upon the development of a practical electric motor, several of which were introduced during the 19th century. Rapid improvements followed their introduction, an American, Nikola Tesla, enjoying considerable fame in this field.

Neither the electric light nor the electric motor could be put to practical use without the development of a third element—a cheap source of electricity. Electricity used for experimental purposes during the 17th and 18th centuries was secured by frictional machines and stored in wet batteries. In 1800 an Italian, Alexander Volta, discovered that electricity could be produced by chemical means, and his invention proved useful to experimenters, but the real development in electric power production must be credited to an Englishman, Michael Faraday, who invented the dynamo in 1831. Thereafter various private installations of dynamos were undertaken, and in 1879 a central generating station was established in San Francisco which provided electricity for the operation of arc lights. Three years later a central station was opened in New York City, this one providing current for the operation of incandescent lamps. All of the early stations generated direct current, which was supplied only to the local community. The current was used mostly for lighting purposes, as the early plants could not provide it cheaply enough to compete with other power sources. Later, the development of alternating current systems and improved means of electric transportation led to the establishment of large central generating stations which served more than one community, and today electricity is transported for distances up to 500 miles. Improved generating facilities also brought a considerable reduction in rates, and in due course electricity entered the power field. An indication of the growth of the importance of electricity may be gleaned from the fact that the New York station established in 1882 had a generating capacity of about 560 kilowatts, while in 1937 the generating capacity of commercial plants in the United States approached 38,000,000 kilowatts. About 70% of electric power production today comes from steam plants, about 28% from hydroelectric plants, and the balance from small plants operated by internal-combustion engines. The use of electricity is still increasing, but its future will depend largely on the development of new uses for current. Air conditioning⁷⁸ in recent years has added appreciably to the demand for power, and this field is expected to show considerable development in the near future. Rural

electrification offers another possible market for vast quantities of electricity, but it will be necessary for farmers to use considerably more current than is needed for lighting purposes before it will pay to construct the necessary transmission lines. The Rural Electrification Act is a step in this direction.

Electricity has long been generated for sale in the United States by both private and publicly owned plants, but until recently the latter have been of little significance, and privately owned utilities were selling 94.3% of the energy produced as late as 1932. Under the F. D. Roosevelt administration there has been a large increase in the number of municipally owned generating and distributing systems, and the Federal Government, itself, has undertaken the construction and operation of giant hydroelectric plants (*see Tennessee Valley Authority*). It will take time, however, for these systems to come into full development, and in the meantime the private plant still dominates the field.

The outstanding feature of the corporate development of the light and power industry has been the extensive use made of operating and nonoperating holding companies. Some of these holding companies²⁷ were designed to provide operating companies with expert managerial, technical or financial assistance. Others, by buying up numerous independent plants in a given area, were able to give better and more economical service by substituting a small number of large plants for a large number of small plants. The use of holding companies for such purposes offers definite benefits to both consumer and investor, but unfortunately the holding company also may be used as a means of issuing and selling large quantities of securities of questionable value, and the pyramiding of one holding company on top of another makes it possible for a few individuals to secure control of vast aggregations of wealth with a minimum use of their own funds. This pyramiding of holding companies was an outstanding characteristic of the public utility field in the 1920's and 1930's. For example, prior to the collapse of the Insull empire the Georgia Power and Light Company, an operating company, was controlled by a holding company, the Seaboard Public Service Company, which in turn was controlled by a second holding company, the National Public Service Company, which was a subsidiary of the National Electric Power Company, which was a subsidiary of Middlewest Utilities, which was controlled by the Insull Utility Investments and by the Corporation Securities Company, which controlled each other

and were themselves controlled by a small group of insiders dominated by the Insull family. The greater the pyramiding of holding companies the less is required to control the basic operating companies, and it has been conservatively estimated that Insull controlled over \$3000 worth of property for every dollar he put into the two top holding companies in his complex organization.

Every operating and holding company sells its own stocks and bonds, disposing of bonds and preferred stock to the public and a part or all of the voting stock to the company which controls it. Each holding company must look to its immediate subsidiaries for the income with which to pay its security holders, with the underlying operating companies bearing the ultimate burden. In some cases operating companies were formerly charged exorbitant fees for management services and in other ways milked to secure dividends for greedy holding companies, and users of electricity had to pay for such activities in the form of higher rates, because courts have held that public utilities are entitled to charge rates which will meet expenses and leave a fair return on the fair value of their properties. The necessity of paying dividends to holding companies may also affect the service rendered by an operating company. When the depression shrunk the earnings of operating companies some of these top-heavy holding company structures, notably the one built up by Insull, collapsed like a house of cards, since the operating companies could not longer provide sufficient funds to meet interest and dividend payments on the inflated security issues of the holding companies.

Electric light and power plants are recognized as economic monopolies, and are generally given exclusive franchises²⁸ by the communities they serve. In order to prevent monopoly practices they must agree to regulation at the hands of municipal and state bodies (*see Public Utilities, Regulation of*). This type of regulation, none too successful in itself, was not sufficiently broad to cover the interstate transportation of power or the control of local plants by outstate holding companies, and, in an effort to bring about more effective control of the electric light and power industry, Congress provided in 1935 for the regulation of the transportation and sale of power in interstate commerce by the Federal Power Commission²⁹, and for the control of interstate holding companies by the Securities and Exchange Commission³⁰. The new law permits a group of operating companies to be controlled by a holding company, and a group of

holding companies may be controlled by a top holding company, but there the pyramiding must stop. Furthermore, the activities of holding companies are subject to careful supervision by the Commission. It is believed that two holding companies will be sufficient to permit a continuation of the desirable features of the holding company form of organization, and will not be too hard to supervise.

[Jones and Bigham, *Principles of Public Utilities*; Horace Taylor, *Contemporary Economic Problems and Trends*.]

R. E. WESTMEYER

Electricity, Utilization of. The most significant fact in the history of the electrical industry has been the dual nature of every advance in the art—first, causing a task to be better performed, and, second, placing new demands on the generation and distribution of power, progressively lowering its cost to the user. The development of the incandescent lamp⁷⁹ (1879) marked the first step in the widespread utilization of electricity. Six other phases of development expanded and multiplied this utilization, thereby definitely enlarging the scope of industry, creating problems of monopoly and governmental regulation, opening fields of research, effecting new methods of communication and setting new living standards. It is doubtful if any field of human activity has not felt the impact of electricity as a social force. The other six phases might be labeled: the transformer, power generation, industrial electrification, transportation, the vacuum tube, and home and farm electrification.

Although the incandescent lamp symbolizes the true beginnings of electrical utilization, any consideration of lighting as a significant development must begin with the arc lamp, which, together with an electric dynamo, was successfully brought out by Charles F. Brush at Cleveland in 1877. The following year he completed the invention of a series arc lamp, which enabled him to introduce arc lighting from central stations as a commercial venture. The first Brush arc lamps were installed that year in Philadelphia, at the store of John Wanamaker. Five dynamos were used, each supplying current to four arc lamps in the store windows. The next year Elihu Thomson showed at the Franklin Institute a dynamo and two arc lamps, and the dynamo could produce either alternating or direct current.

On June 30, 1879, at San Francisco, the California Electric Light Company was incorporated, holding Brush patent rights for the Pacific coast. This was the first company in the world to enter

the business of producing and selling electric service to the public. On July 4 of the same year Niagara Falls was first illuminated, by a sixteen-light Brush dynamo and arc lamps. The dynamo was driven by a waterwheel—a pioneer hydroelectric plant. On March 31, 1880, Wabash, Ind., became the first town wholly lighted by electricity. This was a Brush system of four 3000-candle power lamps atop the courthouse dome. Newspaper men came from Chicago and New York, and more than 10,000 persons attended.

The Edison Electric Light Company, incorporated at Menlo Park with a capital of \$300,000 in October, 1878, committed Edison to experimenting with electric lighting. Among its backers was J. P. Morgan. The inventor experimented fourteen months and spent more than \$40,000, gradually developing a serviceable lamp filament and an all-glass hermetically sealed high-vacuum bulb. On Oct. 19, 1879, the first lamp was lighted, and burned for more than forty hours.

Edison continued his experiments with filament materials and parallel circuits, and on Election Day, 1880, in an unique, planned tribute, Menlo Park was lighted up as word came that James A. Garfield was elected.

The first manufacturing plant to have incandescent light was the printery of Hinds, Ketcham and Company, installed February, 1881. On Sept. 4, 1882, the Pearl Street Station, New York City, began operation. Fifty-nine customers were served, including Drexel, Morgan and Company, and the *Herald* and *Times* offices. In 1883, Edison invented the three-wire system, one of the greatest single factors in the success of illumination. It was developed in an effort to save copper in the conductors, and the final saving was as much as 62.5%. Modern systems could not operate without it, and for a half-century of change in the electrical field the invention has stood without alteration. Within ten years not a major textile factory in New England was to be without its Edison plant.

The General Electric Company⁸⁰ was formed in 1892, merging the Edison and Thomson-Houston interests, and a long period of filament development was inaugurated, beginning with carbon. Before the end of 1904, Dr. Willis R. Whitney developed the metallized carbon filament which consumed 2.5 watts per candle power and yielded 300 candles per horsepower, an increase of 25% for the same volume of energy. Tungsten filaments were first made in 1904 in Vienna, and were commercially introduced by General Electric in 1907. Ductile

tungsten, used in modern lamps, was developed by W. D. Coolidge at Schenectady, and lamps employing it were first made in 1911. In 1891 a 100-candle power lamp used 310 watts and cost \$3 50, in 1939 a similar lamp used 100 watts and cost fifteen cents.

Direct-current generating plants could serve only a limited area, and were not commercially practicable beyond a radius of three quarters of a mile. The work of earlier inventors, particularly Edison, prepared the way for electrical service by creating interest in it. But the limitations of direct current were a stumbling block until Stanley, with the aid of Westinghouse, on March 20, 1886, at Great Barrington, Mass., demonstrated the transformer and opened the way for an alternating-current development. Steinmetz followed up the demonstration with the vast amount of theoretical and mathematical work necessary to the system.

The generation and distribution of electric power was inherent in earlier developments, but its problems did not assume their proportions until after the first flush of invention had passed. As the incandescent lamp grew in popularity, lighting companies sprang up everywhere. The early generating stations usually started their dynamos before sunset, ran on a reduced scale after midnight, and shut down entirely at dawn. As stations multiplied so did inexperienced operators, adding to the difficulties. Modern instruments and control were unknown. The rise of the electric street railway was placing still another demand on electrical supply. One of the earliest instances of transmission over an appreciable distance involved an electric road eighteen miles long, built in 1887, in the mountainous California wilderness on Feather River. A hydroelectric station supplied the circuit.

An important step in electric power's advance was the development of the rotary or synchronous converter, designed to receive alternating current at one end and change it by a commutator into direct current, to be drawn off on a working circuit at the opposite end. This brought trolley lines and direct-current lighting lines into the unified system. The patent application was made in 1887, and the rights later assigned to the Thomson-Houston Company.

The next step was substituting polyphase for single-phase systems, as the former were better adapted to power work. The General Electric Company built the first commercial polyphase system in the world, 3000 miles from Schenectady, at Redlands, Calif. The first powerhouse began to operate Nov. 7, 1893. Major development in the use of water power was that at

Niagara Falls. On Oct. 27, 1893, the Westinghouse Company was awarded the task of building three 5000-horsepower generators, and the following year General Electric undertook the job of transmitting this power when made.

While water power was first on the scene, the most significant development of all was still to come. In 1897 Charles G. Curtis, of New York, brought to the General Electric Company his plans for a steam turbine, a device having inner wheels with curved blades, or buckets, to be whirled at high speed by steam. Large-scale generating stations followed, mass production of power became a reality, and the era of superpower and of interconnected systems of high efficiency was foreshadowed. In 1938, 23,400,000, or more than 70%, of the homes in the United States used electricity. In addition there were approximately 270,000 wholesale power users and 3,972,000 commercial light and small power customers. Industrial plants utilized 40,000,000 electric horsepower yearly and almost 6600 miles of railroad lines were electrified. The American central station industry represented an investment of \$14,200,000,000, served approximately 27,800,000 customers, and in one year, 1938, produced an output of 114,000,000,000 kilowatt hours of electrical energy.

In December, 1886, the first 220-volt Sprague motor was installed in Boston to operate a freight elevator. By the end of this year motors were driving boot and shoe machinery in Detroit and Boston, coffee mills in Elgin, Ill., and Lancaster, Pa., emery wheels in Des Moines, Iowa, and Chicago, lathes in Chicago, Boston and New York, and printing presses, ventilators, ice cream freezers and other machines elsewhere in the country. Soon electric cranes were introduced. In April, 1894, fourteen alternating-current motors, rated sixty-five horsepower each, were installed in a textile mill at Columbia, S. C.—an event of historic significance to industrial electrification since it influenced the future equipment and construction of all textile mills.

Electricity was definitely breaking into the mining business by 1895. The Berwind-White coal mining company, at Osceola Mills, Pa., had a mine turning out more than 11,000 tons of bituminous coal a month without the aid of a single mule. The small, powerful electric mine locomotive had been introduced, and plants were built to supply several mines, an early instance of the independent industrial central station.

Another incident of far-reaching importance took place in 1907 when the General Electric Company began the erection at Gary, Ind., of a

number of 6000-horsepower motors to operate a main roll drive in a steel plant. These were shipped in sections from the factory, and when assembled towered thirty feet above the floor. It was the first attempt to drive a steel mill electrically, and a skeptical group of engineers and industrialists assembled on Jan. 17, 1909, for the initial tests. Thirty years later the motors were still functioning, and electricity had become a vital necessity to the greatest of the basic American industries.

Electric transportation, particularly the street railway, was almost as important a phase of the electrical art from the very beginning as was lighting. In 1835 Thomas Davenport, of Brandon, Vt., tried to operate a miniature electric railway. Four years later Robert Davison, of Aberdeen, Scotland, drove a five-ton electric locomotive between Edinburgh and Glasgow. In 1879 Dr. Werner Siemens operated an electric railway in Berlin—the first to be driven by the current from dynamos instead of from batteries. In 1880 and in 1882 Edison operated two electric railways at Menlo Park. But the sole result of all these efforts was to make people think of the possibilities of electric traction. The street car, or "broomstick" car, really evolved separately through the efforts of a number of Americans. Bentley and Knight ran the first real electric car on Garden Street in Cleveland on July 26, 1884, but the performance was not a practical success. The first commercially successful line was found in Richmond, Va., in a street railway system installed in 1888 by Sprague. The General Electric Company designed and built in 1895 the first electric locomotives; they weighed ninety-six tons, could travel fifty miles per hour alone, and could haul thirty freight cars and a steam locomotive at fifteen miles per hour.

Sprague, meanwhile, developed in 1895 the multiple-unit system of control which is the modern basis of rapid-transit operation. Within two years the system was applied to the South Side Elevated Railway in Chicago, and in 1901 to the Manhattan Elevated Railway in New York, clearing the way for the later subway systems.

In 1905 the gas-electric car, the prototype of the oil-electric locomotive, combining the principles of the internal combustion engine with those of electric transmission and control, was assembled. In 1915 the first long-haul electric locomotives, forty-two in number and weighing 280 tons each, were built for the Chicago, Milwaukee and St. Paul Railroad⁷.

Electric ship propulsion, while falling in the

category of transportation, was a development stemming from the steam-turbine activity, and has become applicable to transoceanic vessels as well as to such harbor craft as ferries and tugs.

The vacuum tube virtually had its beginnings in the discovery in 1883, by Edison, of what was afterwards termed the "Edison effect"—a strange blue glow within the bulb of the incandescent lamp—and he proved it to be caused by the passage of current between the legs of the filament but showed little interest in it. In 1897 Sir Joseph Thomson determined the reason for the phenomenon when he discovered the electron, the unit of electricity. He studied the electron in a vacuum and proved that when the filament of an incandescent lamp becomes hot it throws out electrons, constituting negative electricity, and that these electrons are attracted by a plate connected to the positive side of the supply circuit.

The Edison effect was put to practical use when Prof. J. A. Fleming discovered that it could be made to detect and modify the impulse of an electro-magnetic wave. He devised the Fleming valve to succeed Marconi's original type of radio detector. The next major step was made by Lee DeForest, who produced the "audion" low-vacuum tube by adding a grid between filament and plate. The tube was not only a better detector but could amplify radio signals.

Through his later discovery of the "space charge," Dr. Irving Langmuir then developed the first high-vacuum tube, which worked at 250 volts, as compared with 30 volts for the audion. Thus through Edison's discovery of thirty years before, a new industry was created, practical radio telephony and radio broadcasting were assured. Langmuir's radiotron, first of the high-vacuum, high-voltage tubes, paved the way for other highly important developments, not the least of which was the Coolidge X-ray tube, produced in 1913. The latter would operate at 100,000 volts or higher, could be kept in operation for hours, and its rays were capable of any degree of penetration desired.

Once the field of electronic research was opened, its fruits multiplied with considerable speed. In particular were the photoelectric tube, or electric "eye," and the thyatron tube applied to various industrial processes, controlling machinery, opening doors, counting and sorting, controlling lighting circuits, protecting property, etc. Perhaps more important have been the applications to motor control and a newly developed system of direct-current transmission. Exercising its two primary functions, the trans-

mission or control of power, the vacuum tube has become in a brief time one of the most potent forces in the electrical art.

The earliest instance of home electrification was, of course, the incandescent lamp. The emergence of the practical electric refrigerator was responsible for a renewed interest in the home and in the production of labor-saving devices. As these were produced they served also to increase the demand for electric service. In the thirteen years between 1922 and 1936 the number of wired homes in the United States increased from 10,000,000 to 20,500,000. In December, 1936, 1,042,924 farms in the United States were receiving electric service. A survey (*Electrical Merchandising*, January, 1935) showed that in the case of electric ironers, washers, ranges, refrigerators, toasters, cleaners and a host of other appliances the percentage of wired homes lacking these devices was almost twice as great in 1935 as in 1922, despite the strenuous merchandising era that had intervened. In the meantime automatic heating and air conditioning had been added to the tasks performed electrically.

The result of this situation, in a majority of homes, was that wiring systems installed originally for lighting proved inadequate for the total job. This, plus such other factors as a growing demand for new and better housing and the perfection of new methods and materials, led an ambitious electrical industry to begin the planning of kitchens, and later entire homes, around the electrical concept of living. The functions of housekeeping were examined much as if they constituted an industry, and attention was given to such things as work centers in the kitchen, and the arrangement of labor-saving equipment in use-sequence. Scientific lighting and planned adequate wiring were studied. The whole home electrification movement, coming to a crest in the years 1933-38, resulted in a marked change in the methods of builders. Homes were constructed and offered for sale complete with the electrical equipment, and such equipment was then considered a basic part of the investment and subject to mortgage. Such large-scale use of electric power resulted not only in the higher operating efficiencies accruing from co-ordinated equipment and wiring, but lower unit power costs.

K. G. PATRICK

Electrocution. In response to a growing demand for a painless method of inflicting the death penalty, electrocution originated in New York State in 1888. Although the first man so executed was badly burned and probably suf-

fered pain, it was not the fault of the principle but rather of its application. Time, however, has remedied those mistakes. The initial electromotive force now used, sending a current of from eight to ten amperes through the body, brings about immediate death by paralysis and destruction of the brain. Scientific analysis proves that unconsciousness occurs in less than 240th of a second, which is far more rapid than the speed with which the nervous system of the body can record the sensation of pain. This insures a death that is both instantaneous and painless.

Electrocution, in 1939, is the means for inflicting the death penalty in twenty-one states, and the District of Columbia.

LEWIS E. LAWES

Elephant Butte Dam, situated on the Rio Grande near Hot Springs, N. Mex., was constructed during the years 1910-16 by the United States Reclamation Service, at a cost of \$5,246,000. Under a recent plan, this sum is to be liquidated by the development of hydroelectric power, made possible by the construction of a secondary storage dam at Caballo.

Elephant Butte Dam is 1674 feet long and rises 200 feet above the river bed. It creates a reservoir 40 miles long, with an original storage capacity of 2,638,000 acre-feet. The annual release is 750,000 acre-feet, providing water for the irrigation of 155,000 acres in New Mexico and Texas and the 60,000 acre-feet due Mexico under a treaty of 1906.

[R. E. Twitchell, *Leading Facts of New Mexican History*, Vols. II and III.]

P. M. BALDWIN

Elevated Railways. The first elevated line in America, a single-track structure running from Battery Place up Ninth Avenue to 30th Street in New York, was built in 1866-67, and operated by a continuous chain or cable for a short time, then with steam locomotives; but it was a failure, and the plant was sold for the benefit of creditors in 1871. A new company, organized in 1872, took over the line, and in the face of strong opposition to elevated railroads, extended it northward, besides building lines up Sixth and Third avenues. The trains of from three to six cars were drawn by small steam locomotives until 1903, when the system was electrified. A company was organized in 1872 to build a line on which cars would be shot through pneumatic tubes suspended from lofty arches, but this project was abandoned before construction began. The "L" lines in Manhattan were later extended into the Borough of the Bronx, and a large system was built in Brooklyn. Chicago

opened its first elevated line in 1893—later extended far out through the North and South Shore suburbs Boston discussed elevated transit as early as 1875, finally chartered a company in 1894, and the system began operating in 1901.

ALVIN F. HARLOW

Elevators. Primitive hoists were known even in ancient times; but the first traceable power elevator was being used in a New York flour mill in 1850, and was made by Henry Waterman George H. Fox of Boston in that same year made an elevator with a worm gear, and in 1853 Elisha G. Otis of Yonkers, N. Y., exhibited one at the Crystal Palace Exhibition^m with a safety catch to guard against the breaking of the cable. All these were for freight alone, and lifted only one or two stories upward. Otis G. Tufts of Boston devised the first closed car, and in 1859 installed in the Fifth Avenue Hotel in New York his newly patented machine, in which the car traveled up and down on a huge screw, twenty inches in diameter, extending from the top to the bottom of the building—an object of wonder to the Prince of Wales and other visiting notables. A duplicate of it was installed in a Philadelphia hotel, the only other one ever built, and both passed out of existence about 1875. In 1871 the hydraulic elevator was introduced, and soon displaced the steam-driven type. Steel framing did no more to make the skyscraper^m possible than did the elevator. When fifteen-story buildings were ventured in New York around 1880, and were well served by improved hydraulic elevators, it was seen that vast possibilities lay ahead. The invention of the electric elevator—the first crude machine by W. Baxter, Jr., in 1884, followed by the greatly improved type of the Otis Company in 1889—made these possibilities still greater. Electric elevators now became a fad in city mansions, and by 1905 there were said to be hundreds of them in New York. The development of the electric elevator easily kept pace with the rapidly growing height of the skyscraper.

[W. Sloane Kennedy, *The Vertical Railway*, *Harper's Magazine*, November, 1882; Charles H. Kroman, *Growth and Development of the Elevator Industry*, *Cassier's Magazine*, September, 1907.]

ALVIN F. HARLOW

Elevators, Grain. The rise of specialized wheat growing in the Upper Mississippi Valley created a problem of grain storage. The farmer ordinarily could not provide storage on the farm. The railroads were unable to provide transportation facilities to carry the wheat to market

immediately after harvest. Storage facilities had to be created both at country shipping points and terminal markets. In countries where labor was plentiful and cheap, grain was stored in sacks in sheds, under tarpaulins, or in ordinary "flat" warehouses. In the United States there developed a new type of grain storehouse.

American flour mills since the days of Oliver Evans had used the "elevator" to raise the meal from the grinding to the bolting floor. This was an endless belt of leather to which were attached metallic cups, the whole in a tight casing either vertical or inclined. The use of this elevator to lift the grain from the farmers' wagons into the storage bins involved such a great saving of labor that the name was soon applied to the warehouse as well. This was a series of bins for storing the grain with a cupola on top. The elevator carried the grain up to the cupola, from which it was spouted to the storage bins. From there, in turn, it was discharged into cars or vessels.

The grain elevator rapidly displaced all other means of grain storage in the region of specialized wheat growing. The farmer could then store his grain until ready to sell. Or the elevator owner might buy the grain, shipping it to the terminal market. In order to do this the elevator developed facilities for weighing, grading and cleaning the grain.

In the early days many of the country elevators were built by milling companies or by the railroads. The ownership of the elevators gave them control over the marketing system, which in some cases was soon abused. In the 1870's wheat growers complained that they were compelled to accept unduly low grades, that deductions for dockage (weed seeds and other foreign materials in the grain) were unfairly large, and that elevator operators did not give them a fair price for their grain. The Patrons of Husbandry^m through local granges in Iowa and other states sought a solution for this problem through the establishment of co-operatively owned farmers' elevators.

Most of these early attempts at co-operation failed. The railroads often refused to lease trackage, there was bitter and unfair competition from the private companies, both independent and mill-owned. The farmers in many states were forced to go to the legislature for assistance. The first important law regulating the elevators was the Illinois Warehouse Act (1871). Operators of grain warehouses storing for the public were required to secure licenses, file bonds, and publish handling and storage rates. Legal maxima were prescribed. The con-

stitutionality of this law was affirmed in *Munn v. Illinois*⁷⁰ in 1876, and it became the forerunner of a detailed code of regulation based on the principle that the business is clothed with a public interest.

The failure of the farmers' elevator companies in the 1870's was not solely due to the opposition of railroad and elevator men. Many failed because inadequately capitalized or incapably managed. In the 1880's commission men and terminal elevator firms of the central markets began to build or acquire lines of elevators throughout the wheat region. At many points competition was suppressed completely. Renewed complaints from the farmers and a new wave of co-operative-elevator building under the leadership of the Farmers' Alliance⁷¹ followed. In Minnesota a law was passed in 1893 providing for a state-owned terminal elevator at Duluth. This law was held unconstitutional by the State Supreme Court but the idea was revived by the Nonpartisan League⁷² in North Dakota in the following decade.

In the Northwest today co-operatively owned farmers' elevators hold a dominant position. Some 4000 farmers' elevator associations handle 550,000,000 bushels of grain and carry on a subsidiary supply business of \$160,000,000 annually. From ownership of country elevators they have extended their activities to the creation of selling agencies in the terminal markets, the building of terminal elevators and the creation of wheat pools as well.

[H. M. Larson, *The Wheat Market and the Farmer in Minnesota, 1858-1900*; H. Steen, *Cooperative Marketing*.]

G. B. KUHLMANN

Eleventh Amendment. THE Following the decision of the Supreme Court in *Chisholm v. Georgia*⁷³, a surge of states' rights⁷⁴ sentiment developed throughout the country and in Congress, resulting in the submission of this amendment on March 5, 1794. It was proclaimed by the President, Jan. 8, 1798. Whereas the Court had held that a state could be sued by a citizen of another state in case of an alleged breach of contract, the amendment declared that "the judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another state, or by citizens or subjects of any foreign state." In actual practice, the amendment does not have any great significance, for while a state may not be sued by an individual without its consent, all of the states have given such consent, and have established conditions and pro-

Elizabethtown Associates

cedures under which such suits may be brought. The amendment does not affect the jurisdiction of the Supreme Court in suits between states, nor does it prohibit a suit by an individual against the officers of a state to enjoin them from enforcing legislation alleged to be in violation of the Federal Constitution.

[Charles K. Burdick, *The Law of the American Constitution*; W. W. Willoughby, *Constitutional Law of the United States*; *The Constitution of the United States of America, as Amended*, Annotated.]

W. BROOKE GRAVES

Elgin-Marcy Treaty, THE (June 5, 1854), establishing Canadian-American reciprocity⁷⁵, was significant politically. Expansionist sentiment in the United States welcomed it as a step toward annexation. But British judgment proved sounder: the treaty secured Canadian loyalty and allayed the tension over American use of the fisheries⁷⁶, to that extent relieving British diplomacy during the Crimean War. (See also *Halifax Fisheries Award*.)

[J. M. Callahan, *American Foreign Policy in Canadian Relations*.]

RICHARD W. VAN ALSTYNE

Elizabethtown Associates. On Sept. 30, 1664, Gov. Nicolls consented to a petition of six residents of Jamaica, L. I., to purchase and settle land west of the Arthur Kill, in New Jersey. By deed of Oct. 28, confirmed by patent from Nicolls on Dec. 1 of that year, the Associates purchased from the Indians a broad tract extending from the mouth of the Raritan River northward along the Kill and bay to the mouth of the Passaic River, and inland some thirty-four miles. The Associates, limiting their number to eighty, admitted Gov. Philip Carteret when he purchased rights of a prior associate and, together, they founded Elizabethtown (now Elizabeth). The original settlers were Puritans from New England and Long Island; later, after 1682, immigrants from Scotland arrived. The town was the capital of the province until the division in 1676; and later, of East Jersey⁷⁷ until 1686. Here the first general assembly for New Jersey met in May, 1668. When the Proprietors attempted to collect quitrents⁷⁸ the Associates refused to pay, invoking their Indian titles and the Nicolls patent. On Feb. 8, 1740, George II granted a charter for the Free Borough and Town of Elizabeth. In May, 1747, the first session of the College of New Jersey (now Princeton University⁷⁹) was opened at Elizabeth by Jonathan Dickinson.

[E. F. Hatfield, *History of Elizabeth, New Jersey*.]

G. A. TITUS

Elk Hills Oil Scandal. In May, 1921, the administration of the naval oil reserves⁷⁰ was transferred by executive order from the Navy Department to the Department of the Interior. An investigation by a Senate committee brought out the fact that Secretary of the Interior Albert B. Fall, who executed the lease of the Elk Hills, Calif., oil reserve to the Pan-American Petroleum Co., had "borrowed" \$100,000 from E. L. Doheny, the president of the company. An act of Congress, January, 1924, directed President Coolidge to institute criminal prosecutions and a civil suit to cancel the lease. The ensuing litigation resulted in cancellation, and the company was ordered to pay for all petroleum taken out. In the criminal prosecution Doheny was acquitted of bribery, and both Fall and Doheny were acquitted of criminal conspiracy, but Fall was eventually convicted (1931) of bribery, and sentenced to a term in the Federal penitentiary (see Teapot Dome Oil Scandal).

[Hearings pursuant to Senate Resolution No. 282, beginning Oct. 22, 1923.]

T. T. READ

Elk River, Battle of (May 1-2, 1862). Col. Scott's Louisiana Cavalry, operating under Beauregard in the vicinity of Mooresville, Limestone Bridge and Elk River, Ala., defeated Gen. Mitchell's Union forces, capturing many stores and inflicting severe casualties. In these operations there is every evidence that Southern citizens—planters and townsmen—participated, although not part of the Confederacy's armed forces.

[War of the Rebellion—Official Records of the Union and Confederate Armies.]

ROBERT S. THOMAS

Elkhorn, Battle of. See Pea Ridge, Battle of.

Elkins Act, THE, passed by Congress in 1903, primarily upon the initiative of the railroads themselves to prevent loss of revenue by rate cutting and rebates⁷¹, supplemented the Interstate Commerce Act⁷² of 1887 by providing more specific methods of procedure and penalties for its nonobservance. The law provided prosecution and punishment of railroad corporations, as well as their agents and officers, for giving or receiving rebates, and made it a misdemeanor to deviate from published rates. (See also Hepburn Act of 1906.)

[Isaac Lippincott, *Economic Development of the U. S.*; Edward Humphrey, *An Economic History of the U. S.*; W. Z. Ripley, *Railroads, Rates and Regulation.*]

JOHN B. CLARK

Ellenton Riot, THE (Sept. 16-19, 1876), the bloodiest Reconstruction incident in South Carolina, resulted from the pursuit of a Negro criminal by white riflemen who surrounded terrified blacks near Ellenton in Aiken County. The arrival of Federal troops checked the disorders. Two whites and between fifteen and a hundred Negroes had been killed.

[F. B. Simkins and R. H. Woody, *South Carolina during Reconstruction.*]

FRANCIS B. SIMKINS

Ellicott's Mission. Andrew Ellicott, Surveyor General of the United States, arrived at Natchez, Feb. 23, 1797, to join a Spanish commission in running the line (31st parallel) established as the boundary between the United States and the Spanish possessions by the Treaty of San Lorenzo⁷³. Despite Spanish obstructionist tactics, Ellicott got them to evacuate Natchez, and completed the line to the Chattahoochee by September, 1800.

[Peter J. Hamilton, *Running Mississippi's South Line, Publications of the Mississippi Historical Society*, Vol. II; Franklin L. Riley, *Transition from Spanish to American Rule in Mississippi, Publications of the Mississippi Historical Society*, Vol. III.]

MACK SWEARINGEN

Ellis, Fort (Mont.), on the East Gallatin River near the present city of Bozeman, was built in 1867 for protection against the Sioux Indians⁷⁴. From it Gen. Gibbon marched in 1876 to the Custer battlefield. The fort ceased to function as a necessary post in 1886, but it has been used as barracks since.

[H. F. Sanders, *History of Montana.*]

CARL L. CANNON

Ellis Island. On Jan. 1, 1892, the immigrant receiving station at New York was transferred from Castle Garden to Ellis Island. In the course of years this most important gateway to the "Promised Land" received as many as 15,000 daily arrivals and employed between 500 and 1000 persons, including interpreters, medical officers, nurses, inspectors, porters, waiters, cooks, agents of transportation lines and others whose business it was to protect the country against the admission of undesirables and to shield the immigrants from a swarm of runners, hackmen, confidence men, land swindlers and money exchangers who stalked their prey. The three islands of twenty-one acres accommodated administrative offices, hearing rooms, hospital rooms, ticket and telegraph offices, guardhouses for criminals and the insane, dormitories, recreation rooms and quarters for welfare workers. Since 1924 very few immigrants have been admitted through or de-

tained at Ellis Island, inspection having been performed by American officials stationed abroad.

[*Report of the Ellis Island Committee*, New York, 1934; M. R. Davie, *World Immigration*.] G. M. STEPHENSON

Ellsworth's Zouaves (1860-61). The United States Zouave Cadets of Chicago were organized, 1859, as a drill company and moral club. Their 4000-mile exhibition tour in 1860 attracted wide attention. Drill and uniform were derived from an Algerian tribe in French service. Ellsworth organized the 11th New York as the "Fire Zouaves" in 1861.

[Charles A. Ingraham, *Elmer E. Ellsworth and the Zouaves of '61*.] DON RUSSELL

Elmira, Battle of (Aug. 29, 1779). At Newtown, near the present city of Elmira, the Indians and loyalists^o made their only stand against the armies of Gen. John Sullivan^o and Gen. James Clinton. The fatalities on both sides were not large. The Indians and loyalists fled, the former being frightened by the cannon, which they called "thunder trees."

[A. C. Flick, *The Sullivan-Clinton Campaign in 1779*.] A. C. FLICK

Elmira (N. Y.) Prison was established in July, 1864, by the Federal Government after the number of captured Confederate enlisted men confined at Point Lookout, Md., exceeded the capacity of that camp. The prison enclosure consisted of thirty acres in which a total of 12,123 captives were housed in barracks and tents. Although the camp was well equipped and efficiently managed, exceptional hardships marked the prison's history. A stagnant pond used as a sink became, during the summer drouth, a fetid and disease-laden cesspool; scurvy resulted from the lack of vegetables in the prisoners' rations; smallpox spread over the camp; an exceptionally cold winter and inadequate fuel added to the suffering; and melting snows of the spring produced a flood. As a result of these conditions, 2963 or 24% of the prisoners died before the closing of the prison in the late summer of 1865. This percentage of deaths was the second highest of the twenty-four Northern military prisons.

[Clay W. Holmes, *The Elmira Prison Camp*; A. M. Keiley, *In Vinculis*; John R. King, *My Experience in the Confederate Army*.]

W. B. HESSELTINE

El Paso, Tex., is located at a mountain pass cut by the Rio Grande where the southern roads connecting the Mississippi Valley and California intersect the ancient highway between the Spanish settlements in Old and New Mexico. The

American town, across the river from Mexican *Paso del Norte* (Juarez), came into being subsequent to the Mexican War^o. In 1849 its settlers were furnishing supplies to the California immigrants^o. A military post, soon to be named Fort Bliss, was established to protect inhabitants and travelers from the Apaches^o. By 1857 transcontinental mail coaches were using the old routes through American El Paso. Until the coming of the transcontinental railroads, which in 1881 followed the long-marked trails to El Paso, population increased slowly. Thereafter, growth was rapid and development paralleled that of other frontier towns.

GRACE LONG

Emancipation of the slaves was the slogan of the organized antislavery forces, both conservative and radical, between 1816 and 1840, though Negroes had been freed voluntarily by their owners before 1816. The conservative American Colonization Society sent the freedmen to the colony of Liberia^o, Africa. This organization had considerable success until, in 1830, the more radical and aggressive American Anti-Slavery Society^o urged immediate emancipation gradually accomplished or gradual emancipation immediately begun. The extremists of the Anti-Slavery Society antagonized the slave owners by their insistence on the sinful aspects of slaveholding and alienated the general public by their doctrinaire position. Moreover, internal quarrels, sectional strife and the transfer of the issue from the moral to the political sphere spelled the doom of the emancipation doctrine. Though this group failed to induce the planters to free their slaves voluntarily, their campaign had educational value in keeping the issue before the public. (See also *Emancipation, Compensated; Emancipation Proclamation*.)

[Gilbert H. Barnes, *The Antislavery Impulse, 1830-1844*.]

ELIZABETH W. MEADE

Emancipation, Compensated, was a device for eliminating slavery^o by having the Government buy the slaves. It was usually discussed in the United States in connection with schemes for colonizing freed Negroes. The constitutional convention of Virginia in 1829-30 proposed an amendment to the Federal Constitution giving Congress the power to appropriate money to purchase and colonize slaves. There were also proposals that the Government buy slaves and free them after they had earned their purchase price, and that profits from public lands^o be used to emancipate and transport slaves.

With the decline of the colonization movement, interest in compensated emancipation de-

clined also. Strict constructionists⁹⁹ believed it to be unconstitutional, and radical abolitionists⁹⁹ believed that slave owners did not deserve compensation.

The Republican party⁹⁹ revived interest in compensated emancipation. Their 1860 platform recognized it as desirable where slaves were legally held. President Lincoln believed it to be the best solution of the slavery problem. He insisted that it was just, that it distributed the financial burden of emancipation fairly, and that it was cheaper than war.

In a special message to Congress, March 6, 1862, he asked the adoption of a joint resolution pledging financial aid to any state adopting gradual emancipation. The resolution was passed and Lincoln tried to get the border states⁹⁹ to accept the offer, but none of them did.

The only successful attempt at compensated emancipation was in the District of Columbia, where it was provided for by act of Congress, April 16, 1862. A bill was introduced into Congress to purchase the slaves in the border states also, but it never became a law.

The last effort in behalf of compensated emancipation was made in President Lincoln's message, Dec. 1, 1862. He proposed a constitutional amendment permitting an issue of government bonds to any state adopting gradual emancipation. With the appearance of the Emancipation Proclamation⁹⁹, however, all interest in the scheme disappeared.

[James G. Randall, *Constitutional Problems Under Lincoln*.]

HALLIE FARMER

Emancipation, Frémont and Hunter Proclamations. A cardinal policy of President Lincoln in the early months of the Civil War was to save the border slave states⁹⁹ for the Union by reassuring them that the war was not against slavery. Accordingly, he resisted pressure from antislavery groups to issue an edict of emancipation, and sought to moderate congressional legislation on confiscation. On Aug. 30, 1861, Gen. John C. Frémont, commanding the Western Department, on his own initiative issued a military proclamation declaring free the slaves of all persons in Missouri supporting the Confederacy. Lincoln wrote Frémont on Sept. 2, asking that he modify his proclamation to conform to the Confiscation Act⁹⁹ of Aug. 6, 1861, which declared forfeit the claim of owners to slaves used "in aid of the insurrection." Frémont refused to do so unless openly commanded by the President. On Sept. 11, the President so commanded. Antislavery agitators denounced the President and praised Frémont.

On May 9, 1862, Gen. David Hunter, commanding the Department of the South, issued an order declaring free all slaves in South Carolina, Georgia and Florida. Lincoln declared the order void on May 19, on the ground that Gen. Hunter had exceeded his authority. The same criticism as in the Frémont case was directed against the President.

[James Ford Rhodes, *History of the United States*.]

HAYWOOD J. PEARCE, JR.

Emancipation Proclamation. Unhistorical tradition has surrounded the Emancipation Proclamation with an aura of misconception and exaggeration. That it was a central fact in Lincoln's administration and one of the great milestones of the 19th century may be admitted, but it is incorrect to think of it as a measure entirely new, or a striking of the shackles from millions of bondmen at a stroke of the pen, or as Lincoln's main solution of the slavery problem. By midsummer of 1862, despite its disclaimer of abolition as a war aim, Congress had imposed emancipation of slaves as a sweeping penalty upon "rebels" (by its ineffective confiscation acts⁹⁹), had prohibited slavery in the District of Columbia and the territories, and had decreed the liberation of slave-soldiers. Meanwhile Lincoln, whose caution and regard for border-state⁹⁹ sentiment coexisted with an expansive concept of presidential authority, had withheld those bold strokes which Garrisonians had urged upon him, and had overruled Generals Frémont and Hunter when their premature measures of military emancipation seemed calculated to force his hand (*see* Emancipation, Frémont and Hunter Proclamations). In addition, with pathetic earnestness, the President had labored for the adoption of his main policy, i.e., gradual emancipation by voluntary action of the states with Federal compensation to slaveholders. When compensated emancipation⁹⁹ failed to advance beyond paper approval by Congress, and when the international situation called for some kind of stroke at slavery, Lincoln acted. That the main decision was his own and not that of his Cabinet is clear from Lincoln's statement to the artist Carpenter (included in his *Works*, Feb. 6, 1864). He related how the proclamation came to be decided upon and prepared, showing the independence of his decision which was reached amid gloom and defeat, and stating that he put the proclamation "aside, . . . waiting for a victory" upon Seward's advice, lest it seem a "last shriek on the retreat." It was at the Soldiers' Home that Lincoln finished the second draft of the preliminary proclamation. In his diary (June 24, 1864) John Hay

quoted Carpenter as saying that Seward protested against the proclamation being taken as the "crowning act" of the administration, the cabinet secretary is further quoted as considering the administration's antislavery acts "merely incidental."

Having reached his decision, Lincoln announced his purpose in cabinet meeting on July 22, 1862; then, after waiting for victory, he issued his preliminary proclamation (Sept. 22, 1862) on the morrow of Antietam⁹⁰. Though repeating that union (not abolition) was the war aim of the Government and that his compensated emancipation policy was still active, he declared that "persons held as slaves" within areas "in rebellion against the United States" would be free on and after Jan. 1, 1863. When that day arrived the definitive proclamation specifically designated those districts "wherein the people . . . are this day in rebellion . . .," and ordered "that all persons held as slaves . . . [within said areas] are, and henceforward shall be, free . . ." The final sentence invoking "the considerate judgment of mankind and the gracious favor of Almighty God" upon a measure of "military necessity" was mainly suggested by Salmon P. Chase. The edict was far from an abolition document, since it did not apply to Tennessee, nor to specifically excepted portions of Virginia and Louisiana, nor to the border slave states within the Union. Declaring liberation in areas not under Union military control, it had negligible effect as to the immediate freeing of any individuals held in thralldom, and in this sense it was sarcastically denounced by Lincoln's critics. Treating the unshackling of slaves as a device of war and as a penalty for rebellion, the document omitted any suggestion whatever of a blow directed by antislavery principle. None the less Northern abolitionists and radicals in Congress hailed the proclamation with enthusiasm and it quickly became a kind of shibboleth for a new war aim. Thus, the actual provisions and legal consequences of the edict are in marked contrast to the garb and trappings which it wore as dramatized in the popular mind; nor are these trappings to be ignored in appraising its historic significance, since abolition did in fact become a war aim. Large numbers of conservatives in the North and on the border deeply deplored the measure, which they considered unwise, irrelevant to the main issue, and highly dictatorial. That Lincoln assumed war powers in a field where Congress might lack legislative authority is shown by a passage in his proclamation (July 8, 1864) concerning the Wade-Davis bill⁹¹. In this proclamation Lincoln declared himself unpre-

pared to admit the right of Congress to abolish slavery in the states.

In the South the proclamation was denounced as the act of a fiend who deliberately sought to stir up servile insurrection. Lincoln in his January proclamation took special pains to enjoin orderly behavior upon the Negroes, and no domestic uprisings of slaves occurred, but colored troops were extensively used by the Union Government (see *Negro Soldiers*), and the care of freedmen⁹² was progressively assumed by the military authorities as the armies advanced. Lincoln is quoted as having called the proclamation "the greatest question ever presented to practical statesmanship" (diary of John Hay, July 31, 1863); but there were times when he spoke almost apologetically of his most famous act, which he never regarded as a permanent solution. Ultimate emancipation as a national measure was effected by the antislavery amendment to the Constitution (see Thirteenth Amendment). To his last day Lincoln favored compensation for Southern slaveholders, declaring that the blame for slavery rested upon North as well as South, but the decisive refusal to extend such compensation was embodied in the Constitution itself in 1868 (see Fourteenth Amendment).

[Tyler Dennett, ed., *Lincoln . . . in the Diaries . . . of John Hay*.]
J. G. RANDALL

Emancipator, THE, was a monthly abolitionist⁹³ newspaper published from April till December, 1820, at Jonesboro, Tenn., under the editorship of Elihu Embree, a member of the Society of Friends and of the Manumission Society of Tennessee. One of the first antislavery newspapers, it preceded *The Genius of Universal Emancipation*⁹⁴ by seven months. At the time of its suspension because of Embree's death it had a circulation of about 2000. From 1833 to 1850 an antislavery newspaper was edited by R. G. Williams in New York and Boston under the successive titles: *Emancipator and Republican*, *Emancipator and Journal of Public Morals*, *Emancipator and Free America*, *Emancipator and Free Soil Press*. Like William Lloyd Garrison's *The Liberator*⁹⁵ it espoused extreme abolitionism and once expressed a preference for "a dissolution of the Union" to "a perpetuity of slavery."

[Winifred Gregory, ed., *Union List of Newspapers*; Edward Channing, *History of the United States*, Vol. V.]
ASA E. MARTIN

"**Embalmed Beef.**" The meat canned by Chicago packers and issued to the Union armies during the Civil War was often called "Embalmed Beef" by the soldiers. Because of the large sur-

pluses of canned meat in the Army depots at the close of that war, the soldiers in the Spanish-American War insisted that the canned meat issued to them in Florida, Cuba and the Philippines was "Embalmed Beef" of Civil War issue. During the World War (1914-18) immense quantities of Argentine beef were canned and issued to the Allied armies. The British soldiers called it "Bully Beef," but the American soldiers, accustomed to red meats, called it contemptuously "Embalmed Beef" or "Monkey Meat."

[See *Reports of the Quartermaster General*, 1865.]

H. A. DEWLERD

Embargo, THE, of Thomas Jefferson is a high point in the American quest for the formula of pacifism⁷⁷. Passed by Congress on Dec. 22, 1807, it was the practical application of a Jeffersonian principle long maturing, and the nation's reaction to the Napoleonic wars with their consequent injuries to neutrals, of which America was chief.

The underlying cause for an American embargo was a series of restrictions upon our commerce imposed by the European belligerents. In the early stages of the Napoleonic wars, the United States had grown wealthy as the chief of neutral carriers at a time when British shipping was dedicated to war purposes. Roughly speaking, this era of prosperity endured from 1793 to 1805, to the great enrichment of New Englanders, and to some extent of merchants in the Middle States, and to the corresponding enlargement of the American mercantile marine. Commercial restrictions then cut in upon these profits, although in 1806 there was some relaxation in the blockade which excluded Americans and other neutrals from the Seine to Ostend only. Subsequently, however, the Orders in Council of Jan. 7, and Nov. 11, 1807, and the Berlin and Milan Decrees of Nov. 21, 1806, and Dec. 17, 1807⁷⁸, respectively, threatened direst penalties to any neutral venturing into a port of the enemy of either.

Americans, as leading carriers, had ample cause for grievance, and, in the impossibility of armed vengeance upon both Napoleon and King George, some such expedient as the embargo might have resulted in any case. But for Americans there was the added goad of a distressing national humiliation—the *Chesapeake* incident⁷⁹, of June 22, 1807, in which years of the impressment⁸⁰ of American sailors culminated in the overhauling of a national warship and the removal of four sailors on the plea that they were British. War would have been a logical reaction, but this the policy of Jefferson forestalled. In-

stead, with a reliance upon the powers of commerce surprising in a Virginia country gentleman, it was determined to bring the proud belligerents to their knees by withholding from them the raw materials and finished products which they normally received from the United States. The embargo aimed to secure the benefits of war through the agencies of peace. A submission which armed forces could not dream of accomplishing was to be achieved by economic pressure.

To be effective, and it was effective to a degree—exports experiencing a decline, estimated at 75% against a 50% decline in imports—such pressure must presuppose considerable unity of national purpose, a high degree of administrative energy, duration of the experiment sufficient to exhaust existing stores of American goods in foreign hands, and pressure from the social classes adversely affected strong enough to influence the arbitrary government of Napoleon and the aristocratic government of Great Britain. The project represented a stronger policy than Nonintercourse⁸¹, which applied only to belligerents and did not prevent an indirect trade with them. It would bear hard upon America's commercial classes, as well as upon producers of raw materials dependent on foreign markets. Thus the embargo would test severely American cohesion and national unity. It constituted a major test of Jeffersonian and American idealism confronting concrete issues of economics and diplomacy.

Unity of national purpose proved greater than might have been supposed. True, geographical and social barriers already foreshadowed the sectional cleavage that colors so much of American history. But New England, which suffered most at the hands of the embargo, found some compensation, not complete, in the stimulus it gave to manufactures. In the Middle States, where commercial losses were less extreme, the offsetting stimulus was more adequate. Philadelphia, for example, underwent a positive boom, and progress was apparent in New York and Baltimore. The third great section, Jefferson's own Southland, suffered in its staples almost equally with New England in its commerce. But it was sustained by faith and hope, faith in Thomas Jefferson, and hope that it, too, would share in the profits to be anticipated from growing manufactures. Hope deferred eventually made the heart sick, but the South went along with the Middle States in a general support of the embargo, leaving New England as the most articulate spokesman for the opposition.

Administrative energy, our second require-

ment for a successful embargo, also exceeded expectation. Thomas Jefferson, whose fame is that of the philosopher, proved himself in the execution of this favorite project an administrator of uncommon energy. At the Treasury, moreover, where the brunt of administration naturally fell, he enjoyed the aid and counsel of Albert Gallatin, one of the three or four most brilliant men to hold that office. The embargo, like the Napoleonic decrees for that matter, provided certain loopholes which were taken advantage of, notoriously by Gov. Sullivan of Massachusetts. And there was much direct evasion, chiefly on the borders of Maine and Florida. But close study of the period reveals surprising efficiency in a government whose underlying theory of politics rejected any undue concentration of authority in the hands of the executive.

In the third requirement for success, namely, duration of the experiment, the embargo had scarcely a fair chance. The immediate effect in England, for example, of a cessation of supplies of cotton from the United States, would be not the ruin of the cotton manufacturer but rather his enrichment, temporarily at least, from a speculative increase in the value of his existing stocks. And even when supplies ran low and unemployment in the mills resulted, the classes most affected, the laboring proletariat, were not sufficiently articulate as yet to bring effective protest to their industrial overlords and to the government in power. Moreover, in the spring of 1808, just when economic pressure was becoming most unpleasant, the minds of Englishmen were turned from disagreeable facts in North America to roseate dreams in South America. British aid to Spain and Portugal in the Peninsular War against Napoleon was rewarded by the opening to British merchants of commercial opportunities in their respective South American dominions. Anticipation proved more dazzling than reality, but British hopes were buoyed as against the pinpricks of the embargo.

Great Britain was a more important objective for the embargo than was France, but several conditions applied to both. The French entrepreneur, like the English, might find immediate speculative profits in the cutting off of staple imports. And the working classes which would feel the pinch of the embargo earliest were even less articulate than those in England. Napoleon's will was autocratic and only the most extreme and protracted pressure was likely to prevail against it. As the year wore on, moreover, it became increasingly apparent that America lacked the unity and energy to press the embargo to its ultimate conclusion.

Opposition to the embargo grew steadily. Letters to Jefferson from all parts of the country reveal an astonishing bitterness. Diatribes in Congress transcended the bounds of decency. Josiah Quincy, of Massachusetts, was continually insulting the administration with an acrid wit which to contemporaries no doubt seemed funny; to posterity it seems a bit elephantine. Timothy Pickering, in the Senate, continued a feud with Thomas Jefferson which predated the embargo by many years. John Randolph of Roanoke, treacherous in all his affiliations, bored from within the Republican ranks to undermine the party unity. Debate in Congress led even to a duel, in which George W. Campbell, of Tennessee, vindicated the administration as against Barent Gardenier, of New York. John Adams, in retirement, lent moral support to the embargo. His son, John Quincy Adams, resigned his senatorial seat rather than misrepresent his constituents.

The closing months of Thomas Jefferson's second term were troubled scarcely less than the closing months of John Adams', eight years earlier. It became with Jefferson a point of honor that the embargo must survive his term of office. He drained to the full the cup of bitterness, therefore, when legislative action preceded his retirement. Jefferson and the embargo went out together, and to Madison was left only the emasculated version of Nonintercourse.

[Louis Martin Sears, *Jefferson and the Embargo*.]

LOUIS MARTIN SEARS

Embassies, United States, are missions of the highest rank accredited to the foreign states. At the head of each is an ambassador who, in accordance with the common international practice, has the right to audience with the sovereign of the country where resident. The Constitution (Art. II, Sec. 2) provides that the President "shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors"; but for the first 104 years of its existence our Federal Government was represented by ministers rather than by ambassadors. An act of Aug. 18, 1856, in providing for the foreign representation of the United States, included ambassadors to a number of countries. Nevertheless, no ambassadors were appointed until 1893, when they were specifically authorized by the act of March 3. Thereupon, President Cleveland appointed the first ambassadors to Great Britain, France, Germany and Italy. The law of March 2, 1909, states that "hereafter no new ambassadorship shall be created unless the same shall be provided for by an act of Congress." Since then, however, some

appointments have been made without this formality. The United States now accredits ambassadors to the following countries: Argentina, Belgium, Brazil, Chile, China, Colombia, Cuba, France, Germany, Great Britain, Italy, Japan, Mexico, Panama, Peru, Poland, Spain, Turkey, U. S. S. R., Venezuela. Customarily ambassadors have been outstanding members of the political party in power, but especially since the passage of the Rogers Bill, May 24, 1924, promotions from the career service have been frequent. Service in the twenty United States embassies is governed by the terms of the Rogers Act and the Moses-Linthicum Act of Feb. 23, 1931. Each embassy has a staff of career secretaries and other officers who assist in conducting its business. Recently the American Government has adopted a policy of acquiring buildings as offices and residences for its embassies

[Graham H. Stuart, *American Diplomatic and Consular Practice*.]

ROSCOE R. HILL

Emblems, Party, have long been used unofficially in the United States, e g, the black cockade of the Federalists. Officially they are placed at the top of party column ballots⁷⁷ in fifteen states. A crowing rooster or a star usually serves for the Democrats, an elephant or a soaring eagle for the Republicans, hands clasped against the background of a hemisphere for the Socialists, the crossed sickle and hammer for the Communists⁷⁸, and so on. In New Mexico the Republicans adopted the national flag as their emblem whereupon the Democrats placed the national coat of arms at the top of their party column. A few states, among them Oklahoma and Delaware, prohibit by law the use as emblems on ballots of the national flag, the arms or seal of the state or of the United States. Party emblems enable the illiterate elector to vote a straight ticket without difficulty. He does not have to be able to read the names of the parties printed at the top of the ballot; all he needs to know is the difference between an eagle and a rooster. Hence practical politicians favor emblems, on the other hand reformers oppose them, hoping thus to discourage ignorant voters.

ROBERT C. BROOKS

Emergency Fleet Corporation, THE, was incorporated by the United States Shipping Board⁷⁹, April 16, 1917, to build, own and operate a merchant fleet for the United States Government. It performed these functions until Feb. 11, 1927, when Congress changed its name to Merchant Fleet Corporation⁸⁰. In 1916—boom year in American yards—only 300,000 dead-weight tons of ships were completed, whereas the wartime

ocean-tonnage needs of the United States were estimated to require an annual output of 6,000,000 to 10,000,000 D.W.T. To meet this emergency the Fleet Corporation first requisitioned the 431 steel ships being built in American yards for foreign operators. Secondly, the Corporation built, through private agency companies, three great steel shipyards (the largest being the \$65,000,000 Hog Island yard⁸¹ constructed in five months with a capacity for seventy-eight ships); and invested in many other yards, increasing total ways capable of building ocean-going ships from 256 to 934. To speed up construction, the three agency yards (ninety ways) and nine other yards (fifty ways) assembled "fabricated" ships of standard design out of plates and parts made in factories as far west as Kansas.

The peak construction program in October, 1918, comprised 3116 ships (two thirds of steel) of 17,000,000 tons. But by Oct. 31, 1918, only 378 steel ships (2,300,000 tons) had been put in service. The shortage of cargo tonnage was acute after July, 1918. The World War⁸² ended as the Army General Staff⁸³ faced the necessity of maintaining eighty divisions in France without prospect of adequate supply ships before July, 1919; while, according to wartime Shipping Board Chairman Hurley, a 100-division army could not have been supported under the Fleet Corporation program.

After the Armistice⁸⁴, the 218 yards (385,000 workers) building under contract for the Fleet Corporation were almost as hard to stop as they had been to start. On June 30, 1919, only 44% of the ships had been completed and keels had not yet been laid for 326. Despite protests by shipbuilders and workers, contracts totaling 25% of the original program were cancelled. But the balance of construction was continued on the assumption that the market value of the ships would be greater than the savings of further cancellations. By June 30, 1920, 90% of the ships had been completed, but not until 1922 was the last vessel delivered to the Fleet Corporation.

Shipping Board policy after the war required the Fleet Corporation to sell its fleet to private operators, but to operate it until that was possible. With a drastic postwar slump in the shipping industry⁸⁵, buyers were hard to find, although in 1923 the fleet was offered for sale at less than *one-tenth* its original cost. The corporation organized its ships into a large number of cargo and passenger services, and entered into contracts for their operation under trade names by private companies at government expense. Only the United States Lines were operated directly by the Fleet Corporation. Fleet operating

losses, though declining, were still \$13,000,000 in 1926-27. By 1927 the Fleet Corporation had sold 1507 ships—tankers and passenger vessels—to private operators; many of the cargo ships to the scrappers. But, as the United States Shipping Board Merchant Fleet Corporation, it still owned 833 steel ships, of 6,490,000 tons, of which 516 were inactive at an annual maintenance cost of about \$4,000,000. What to do with this fleet, which only another war could make profitable to the Government, was the major problem of the United States Shipping Board. In retrospect it is clear that the Fleet Corporation in 1919 greatly overestimated the postwar value of ocean vessels, and that most of the then uncompleted cargo ships should have been scrapped.

[Edward N. Hurley, *The Bridge to France*, 1927; United States Shipping Board *Annual Reports*, 1918-1927.]

FRANK A. SOUTHARD, JR.

"Emergency" Legislation (1933) When President F. D. Roosevelt was inaugurated on March 4, 1933, depression conditions had been seriously aggravated by a bank panic (*see* Banking Crisis of 1933). Referring to the critical situation in his inaugural address, the President stated that he was prepared "to recommend the measures that a stricken nation . . . may require." Continuing, he declared, "But, in the event that the Congress shall fail . . . and in the event that the national emergency is still critical, I shall not evade the clear course of duty that will then confront me. I shall ask the Congress for the one remaining instrument to meet the crisis—broad Executive power to wage a war against the emergency, as great as the power that would be given to me if we were in fact invaded by a foreign foe."

These words indicate the spirit in which the New Deal[™] program was launched. Using the emergency justification, the New Dealers proceeded to put through Congress in 1933 and later, a series of far-reaching laws comparable in character to the legislation of the World War period. These laws were featured by provisions which greatly centralized power in the Federal Government and, at the same time, delegated vast authority to the President and to administrative agencies[™]. Constitutional objections to proposed laws were brushed aside on the plea that the measures were essential in waging a "war on the depression."

The first of the emergency laws was the Emergency Banking Act[™], which was put through Congress within eight hours, on March 9, 1933. Next came the so-called Economy Act, followed in succession by numerous other "emergency"

Emigrant Aid

acts, such as the Emergency Relief Act, the Agricultural Adjustment Act, the National Industrial Recovery Act, the Emergency Farm Mortgage Act, and the Emergency Railroad Transportation Act[™], to mention only a few.

In some instances, the word "emergency" appeared in the titles of the laws, in other cases special sections were included setting forth the emergency justification, while in still other acts both procedures were followed. Typical of the formal declarations of the existence of an emergency was the following which appeared in the first section of the National Industrial Recovery Act: "A national emergency productive of widespread unemployment and disorganization of industry, which burdens interstate and foreign commerce, affects the public welfare, and undermines the standards of living of the American people, is hereby declared to exist."

Obviously, such allusions to the emergency were designed to aid in the passage of legislation through Congress and particularly to safeguard the laws when their constitutionality should be tested before the Supreme Court. Those who drafted the legislation were encouraged to use the emergency justification because of the favorable attitude toward it by the highest tribunal in earlier cases, including *Wilson v. New* in 1917 and the "rent cases"—*Block v. Hirsh* and *Marcus Brown Holding Company v. Feldman* in 1921.

Nevertheless, the Court emphatically rejected the emergency justification when, in the *Schechter* case (*see Schechter v. U. S.*), the Government attorneys attempted to use it to justify the compulsory code system set up under the National Recovery Administration. "Extraordinary conditions do not create or enlarge constitutional power," declared the Court in an unanimous opinion on May 27, 1935. "The Constitution established a national government with powers deemed to be adequate, as they have proved to be both in war and peace, but these powers of the national government are limited by the constitutional grants. Those who act under these grants are not at liberty to transcend the imposed limits because they believe that more or different power is necessary." As a result of this declaration, the emergency justification was less emphasized after 1935.

[Earnest K. Lindley, *The Roosevelt Revolution*; Jane Perry Clark, *Emergencies and the Law*, *Political Science Quarterly*, XLIX, June, 1934.]

ERIK MCKINLEY ERIKSSON

Emigrant Aid Movement, THE, designed to promote free-state migration to Kansas[™] Territory, originated in the calculating mind of Eli

Thayer in March, 1854. The movement was largely confined to the Northeast, where politicians, financiers, clerics and editors, typified by Gerrit Smith, Amos Lawrence, Edward Everett Hale and Horace Greeley, united in a "crusade" against the "slave power." In the Northwest, the deciding factor in making Kansas free, there was little organized effort. Settlers went at their own expense, but aid companies secured reduction in transportation costs and, with stock subscriptions and popular contributions, founded a few towns and forwarded supplies and mechanical equipment. Income was meager until the close of 1855, when renewed activity of promoters, passionate speeches on "border ruffian" outrages" by Kansas radicals, and the inception of supplementary aid committees resulted in larger patronage. Northern sentiment was aroused, but tangible results were negligible, as only a few thousand went to Kansas under promoted auspices. The movement incited resentment in the South; Kansas expeditions, the largest recruited by Jefferson Buford of Alabama, hastened to the territory, but competition by assisted emigration proved impracticable. By 1857 the movement was rapidly waning. (See also New England Emigrant Aid Company.)

[W. E. Connelley, *Kansas and Kansans*; Ralph V. Harlow, *The Rise and Fall of the Kansas Aid Movement*, *American Historical Review*, XLI, 1-25.]

WENDELL H. STEPHENSON

Emigrant Companies. See Overland Companies.

Emigration. The words "emigration" and "immigration" are often used interchangeably. This article is concerned with emigration from the United States to some other country, and more especially with the return of immigrants, who had resided in the United States for a longer or shorter period, to the land of their birth. Such persons are usually designated as "returned emigrants." Prior to 1907 the statistics of immigration kept by the Government of the United States did not include departing emigrants. In that year a provision in the general immigration law required steamship companies to furnish lists of departing passengers, thus making it possible to arrive at a more accurate estimate of the net gain or loss in immigration for any year and for any country. In the case of the old immigration, which predominated in the 19th century, the number of returning emigrants was relatively small; but with easier means of transportation, the increasing number of immigrants from southern and eastern Europe, and the large num-

ber of single persons among them, the net annual immigration from certain countries was small. This was especially true after the World War, when favorable rates of exchange converted American money into small fortunes. Among the Chinese the number of returning emigrants was very large. In the case of a few countries, like Sweden from 1907 to 1914, efforts were made to induce immigrants to return to their native countries in order that the latter might profit by their wealth and experience, which had been accumulated in a land of great industrial, commercial and agricultural undertakings. Governments, including that of the United States, made it easy for returned emigrants to resume the rights and privileges of their former citizenship. Except in the case of seasonal immigrants—"birds of passage"—emigration from the United States was usually preceded by unfavorable economic conditions in the new country and to some extent by relatively favorable conditions in the old.

[H. P. Fairchild, *Immigration*, G. M. Stephenson, *A History of American Immigration*.] G. M. STEPHENSON

Eminent Domain is the inherent right of a state as a sovereignty to take private property for public use with reasonable reimbursement. There is no constitutional limit to the state's power of eminent domain except that it shall be for a public purpose; by compensation, and in accordance with due process of law as provided in the Fifth and Fourteenth Amendments to the Constitution²⁰.

Contrary to the law regarding police power²¹, taking property by the right of eminent domain requires compensation, the amount to be "just" and to be determined by a jury, commission, court or executive acting for the state. What constitutes a "public use" may have to be determined ultimately by a court. The usual procedure in the exercise of the right of eminent domain is for some official under legislative or congressional authority to requisition or condemn, that is, "take," the desired property and convert, or subject it to public use, as, for example, land for roads or streets, buildings, etc. The power of eminent domain is a sovereign, inherent power²² which cannot be contracted away or separated from the state.

Recently much controversy has arisen with reference to power of the Federal Government to exercise the right of eminent domain in states or territories outside the District of Columbia without their consent. It is a question of Federal-state relationship concerned chiefly with power, light and flood control²³. The Supreme Court has not decided the principle and there appears to

exist an undefined or "No-man's" region between Federal and state authority regarding eminent domain for purposes not expressed in the Constitution.

[*People v. Adirondack R. R. Co.*, 160 N. Y. 225, 1899; *F. A. Ogg and P. O. Ray, Introduction to American Government*, U. S. v. Jones, 109 U. S. 513, 1883; C. K. Burdick, *The Law of the American Constitution*. See also Constitution, Article I, Section 8, Paragraphs 17, 18, and possibly 3, U. S. C. A., 40, also Part 3, Index.]

JOHN B. CLARK

Emory's Military Reconnaissance, in southwestern United States, was performed by Lt. W. H. Emory of the U. S. Topographical Engineers, together with Lieutenants Warner, Abert and Peck, as part of the military movement against Mexico in 1846. The party, with scientific instruments, was attached to Kearny's army of the West, which marched from Fort Leavenworth, Kans., to Santa Fé, N. Mex., and later to San Diego, Calif. After leaving Santa Fé, the reconnaissance included a portion of the Rio Grande River, the mountains, the Gila River to the Colorado, and thence to the California coast. This was the first American official survey of this region, and the report with accompanying illustrations is of great interest and value.

[W. H. Emory, *Notes of a Military Reconnaissance*.]

CARL L. CANNON

Employers' Liability Laws, State and Federal. The common law⁷⁰ recognized the duty of the employer (1) to provide a reasonably safe place of work and (2) to minimize the accident hazard by safety rules, by warning of danger and by careful selection of staff. Violation of these duties resulting in injury to the worker permitted action against the employer under the law of negligence, the basic principle of which is that one who is injured may recover from the person whose carelessness (or whose employee's carelessness) has caused the accident. Many industrial accidents, of course, were not traceable to the employer's negligence but to the "inherent risk" of the work. The costs and complications of a lawsuit, moreover, deterred most injured workers from seeking damages; and a trio of defenses, developed in this branch of the law (known as Employers' Liability), often defeated recovery. These defenses embraced doctrines known as the Assumption of Risk, the Fellow-Servant, and the Contributory Negligence doctrines.

The employer was absolved: (1) by the Assumption of Risk doctrine when the injured worker knew of dangerous conditions and defects due to the employer's negligence; (2) by the Fellow-Servant doctrine when injury was

Employment Offices

caused by negligence of a co-worker; (3) by the Contributory Negligence doctrine when the injured worker's own carelessness contributed, even though slightly, to the accident. This last embodied a general principle of the law of negligence.

After the mechanization of industry (*see* Industrial Revolution), the cost of maintaining families of injured workers presented an increasing "poor-relief" problem. This perforce attracted public attention. The first response was a series of employers' liability laws designed to improve the chances of the injured workers' recovery of damages by modifying (directly or indirectly) or eliminating one or more of the above-mentioned defenses.

Assumption of Risk often was made nonoperative when violation of a safety law was involved. The defense most frequently affected was the Fellow-Servant defense, and the most usual modification denied it when the "fellow-servant" was a supervisory employee. Georgia was the first state (in 1855) to abolish this defense in a limited sphere, i.e., in case of accidents caused by train operation. Colorado, in 1901, pioneered in abrogating the Fellow-Servant doctrine altogether.

By 1910 twenty-three states and the Federal Government had enacted statutes affecting Employers' Liability, many confined to the railroad industry. At this time the conviction was growing that employers' liability laws never would solve the industrial injury problem. Public interest turned to workmen's compensation laws⁷¹, which largely replaced employers' liability. Certain employments, however, in all states except New Jersey, were left outside the scope of compensation laws, as were interstate railroad workers and maritime employees. When these "excepted" workers suffered industrial accidents, a damage suit for negligent injury was the only remedy. For them, employers' liability laws remained of primary importance.

[W. F. Bailey, *The Law of Master's Liability for Injuries to Servant*; C. B. Labatt, *Commentaries on the Law of Master and Servant*, Vols. III, IV, V and VIII; Crystal Eastman, *Work Accidents and the Law*; E. W. DeLeon and Sidney Moon, *The Law of Liability*; P. J. Doherty, *The Liability of Railroads to Interstate Employees*.]

BARBARA NACHTRIEB ARMSTRONG

Employment Offices, Public, which receive employers' requests for workers and refer worker applicants to available jobs without charge to either, are operated by the states with Federal aid in the chief industrial centers.

Ohio authorized the first state employment office in 1890. Few other states made such provi-

sion until after 1900. By 1917 fewer than 100 offices were being operated by states and cities. Beginning in 1907 with immigrant placement, the early Federal employment service, although extended to general placement work in 1915, was chiefly concerned with agricultural labor. During wartime, 1917-19, state offices were rapidly multiplied with Federal aid, reaching 832 in 1918. Drastic appropriation cuts in 1919 forced most of these offices to close. In 1930 only 151 state offices were operating in twenty-four states. In 1931, under depression conditions, the Federal service was expanded to all states. The present Federal-state employment system was inaugurated by Federal enactment in 1933, and was greatly extended beginning in 1936 under unemployment compensation laws.

The Federal (Wagner-Peyser) act of 1933 established the United States Employment Service as a bureau in the Department of Labor²⁷. It authorized an annual appropriation of \$4,000,000, of which \$1,000,000 was available for the Federal Service. The remainder was allotted to the states and territories according to population and was made available on a dollar-for-dollar basis to states with approved state employment services. The Federal Service prepares and promotes standards of efficiency for state services and provides for clearing labor between states. Under the Federal Social Security Act²⁸ of 1935, large additional grants are made to the state services to meet the cost of added duties under unemployment compensation laws.

By July, 1937, all states and the territories of Alaska and Hawaii had accepted the Federal act's terms and made appropriations for employment offices. In setting standards, the Federal Service has introduced merit selection of employment office personnel in all states. Employment offices and unemployment compensation are as a rule under unified administration in the states, but at the end of 1937 the Federal leadership on unemployment compensation was in the Social Security Board, while the Employment Service was in the Department of Labor. Necessary co-operation between these two Federal authorities was effected through joint agreements

[J. R. Commons and J. B. Andrews, *Principles of Labor Legislation*, 4th Revised Edition.] JOHN B. ANDREWS

Empresario System. In the Spanish language, an *empresario* is one who directs an *empresa*, an undertaking. It was the title of persons who obtained contracts to settle colonists in Mexican Texas. Contracts were granted by the governor, in accordance with federal and state laws, authorizing the *empresario* to introduce a specified

number of families into a designated area within six years. For his services, the *empresario* was entitled to receive from the state 23,025 acres of land for each hundred families that he introduced up to 800 families. The *empresario* might also exact moderate fees from the colonists in return for very real local service. The *empresario* was obligated to introduce only families of Catholic religion and good moral character, to establish schools and erect churches, and to carry on official correspondence in the Spanish language. For the term of his contract, if not revoked, the *empresario* controlled the land within the generous limits of his grant, and no titles could issue therein without his consent; but he owned only those lands which he acquired by purchase or as "premium" for introducing colonists. Misunderstanding of the legal status of an *empresario* with relation to his grant was at the bottom of a considerable speculation in Texas lands in the United States (*see* Texas, Early Colonization of).

[S. F. Austin, Powers and Duties of an Empresario, in E. C. Barker, *Readings in Texas History*.]

E. C. BARKER

Emucfau Village and Enotachapco Creek, Ala., Battles at (Jan 22 and 24, 1814). On Jan. 15, 1814, Jackson left Fort Strother on his first movement against the Creeks²⁹, who were assembling at Tohopeka (Horseshoe Bend³⁰) on the Tallapoosa River. While encamped on Emucfau Creek, near the Horseshoe, the Indians attacked in force, but were beaten off with heavy losses. As Jackson did not feel strong enough to attack the Creeks in their stronghold, he decided to return to his base at Fort Strother. The Creeks, believing Jackson to be retreating, fell on his rear guard as it was crossing Enotachapco Creek. So sudden and fierce was the attack that it was repulsed only with difficulty and some loss.

[J. S. Bassett, *Life of Andrew Jackson*.]

THOMAS ROBSON HAY

Enabling Acts. Congress early established the policy of providing by law for the admission of each new state. The people of the territory desiring statehood petition Congress for such an act, which authorizes the holding of a constitutional convention, provides for the election of delegates, and which may seek to impose certain conditions upon the convention and the new state itself. Utah was required to prohibit forever the polygamous form of marriage while Oklahoma was forbidden to move its seat of government for a period of several years. Other examples might be cited. In *Coyle v. Smith* (221 U. S.

559, 1911) the Supreme Court held that such restrictions were not binding where they related to matters of domestic concern, to those matters concerning which the states have jurisdiction under the Federal Constitution. Otherwise, the states would have varying degrees of autonomy in the control of their affairs, and Congress would be able to extend its power over subjects and in ways never intended by those who framed the Constitution. When, however, the conditions imposed relate to the use of lands granted to a state by Congress (*see* Public Domain), for a specific purpose, they are enforceable, in accordance with the conditions of the grant (*Ervien v. United States*, 251 U. S. 41, 1919).

[Richard Frothingham, *The Rise of the Republic of the United States*; W. Brooke Graves, *American State Government*; Andrew C. McLaughlin, *A Constitutional History of the United States*.]

W. BROOKE GRAVES

Encomienda System, THE, was a Spanish institution introduced into the New World with the conquests. It was a right granted by the king to deserving individuals to receive and collect for themselves the tributes of the Indians, who were given them in trust, for their life and the life of one heir. Some of the earliest *encomiendas* were in Puerto Rico and later thirty were established in New Mexico.

[L. B. Simpson, *The Encomienda in New Spain*.]

LILLIAN ESTELLE FISHER

Encomium, THE, an American brig, sailing from Charleston to New Orleans, with forty-five Negro slaves owned by North Carolina planters, was wrecked, Feb. 4, 1834, in the British Bahamas, and the slaves seized and liberated at Nassau. The case was presented to the British government along with the earlier, similar case of the *Comet*. Liberal indemnification for the liberated slaves of both vessels was secured in 1839, by Andrew Stevenson, American minister at London.

[F. F. Wayland, *Andrew Stevenson: A Political Biography*.]

FRANCIS F. WAYLAND

Enforcement Acts. *See* Force Acts.

Engagé. *See* Voyageur.

Engineering is the profession devoted to utilizing the forces and materials of nature for the benefit of men. Its practice involves arts, sciences and management. Although the term engineer (spelled variously) appears in the literature of the 14th century, the profession of engineering developed in the 19th century coetaneously with

many other specialized callings. Until the 18th century, the term was applied to an officer of the army in charge of siege operations. The last decades of that century witnessed the separation of civil from military engineering in England, which was transferred immediately to America.

In the year of the Declaration of Independence, the newly developed Watt engine was set to pumping water from coal mines in England and it was largely restricted to that use until the end of the century. Oliver Evans of Philadelphia was one of the first to see the possibilities of utilizing the steam engine to operate machinery and vehicles, which he did in 1801 and the years following. Steam power was used to propel a boat by John Fitch^{er} of Philadelphia in 1788 and by John Stevens of Hoboken in 1804, but it remained to Robert Fulton^{er} to make steam navigation commercially successful in 1807. Stephenson's successful locomotive (1816) in England was soon reproduced in America, and the era of railroad building, about which engineering so largely clustered for a half century, began. The process of rolling iron shapes and rails and certain shop procedures in metal working had been born just in time to facilitate the growth of the railroads^{er}, which were to have so important a part in the development of the resources of America.

In the industrial field, certain inventions, such as the spinning jenny (1763), the circular saw (1777), the planer (1802), the cotton gin^{er} (1794), knitting machine (1806), and the lathe for irregular shapes (1819), which were adaptable to power drive, transformed manufactures to machine production.

By the middle of the century, the electric dynamo (1831), the magnetic telegraph^{er} (1842), the sewing machine^{er} (1846) and other inventions had appeared, to hasten the substitution of machines for hand labor. About the middle of the century, scientists and mathematicians became interested in these machines, which up to that time had been the product of craftsmen; and, through their generalized theories, they transformed engineering from a craft to an applied science, a term which fairly characterized the profession until the close of the century. On the basis of Navier's stress analysis (1821), Squire Whipple developed (1847) the general solution of bridge trusses and building frames, which was further elaborated in both America and Europe. The science of engineering developed more rapidly in Europe during this century because of the presence of advanced mathematical scholars in the universities. At midcentury, engineering had become recognized as a profession and began to

branch into divisions, mining and mechanical specialties becoming differentiated from civil engineering, to which were left structures, railroads, hydraulic works, surveying and city works. The invention of the rapid filter so reduced the cost of water purification that small cities were enabled to have good municipal supplies, and the separation of sanitary sewers from expensive huge storm-water conduits so reduced the cost of city sewerage that this great boon became available to small cities. From these two developments in America in the last decades of the 19th century, sanitary engineering became a minor subdivision of civil engineering. Likewise, the invention of the arch dam in western United States gave a marked impetus to the hydraulics branch of civil engineering.

The development of a practical electrical generator (1870) and motor, the incandescent light[™] by Edison (1879) and the telephone[™] by Bell (1875) caused electrical engineering in turn to branch from mechanical engineering and to develop rapidly in respect to power, lighting, electric railways and appliances. Wireless telegraphy[™], electric signaling, and the radio[™] tube by DeForest (1909), together with the photo-electric cell, promise to sustain that growth.

Dyes and other coal-tar derivatives, food preservation, packing, petroleum refinement, plastics, explosives, paints, ceramics, rayon and other cellulose products, rubber, etc., made by chemical rather than mechanical processes, have given rise to chemical engineering since 1900.

The gasoline engine, imported from Germany about 1890, has given rise to the automotive industry and to aviation[™], largely the products of American initiative, thereby producing still other minor branches of mechanical engineering. One of the most significant developments of engineering in America is the mechanization of industry (mass production[™]) with the consequent use of labor-saving machinery. It has resulted in notable reductions in prices, thereby effecting a distribution of luxury goods to lower economic ranks. A minor branch of the profession, namely, industrial engineering, has grown up about this practice.

The development of engineering in America is reflected in the growth of technical literature. The first book available in America for the study of engineering was *Field Engineer* by Chevalier de Clairac, translated from the French (1776) by Maj. Lewis Nicola under stress of campaign needs, for the use of the officers of the Revolutionary Army. The second was *Elementary Course in Civil Engineering* by M. I. Sganzin, written in 1823, and translated from the French

(1826) for instruction at West Point. Thomas Tredgold's *Stationary Engines*, brought from England in the same decade, was widely used. *Elements of Civil Engineering*, a comprehensive treatise by Prof. John Millington (1839) of William and Mary College, represented English practice and had a limited circulation. *A Treatise on the Steam Engine* (1840) by Prof. James Renwick of Columbia College, New York, and certain elementary books on surveying, were available. Van Nostrand's *Engineering Magazine* was established in 1869. By the close of the century, both books and periodicals had multiplied with the branchings of the profession.

In its beginnings, engineering in America was an empiric art; in the latter half of the 19th century, it became an applied science; in the 20th century, it has become an investigative science as well as applied, because in this time, with the exception of chemical engineering, most of its researches, especially those related to the *mole* as distinguished from the *molecule*, have occurred in engineering laboratories. Laboratories for technical investigations have been set up in the leading engineering colleges and in large industries, so that research has become the dominant characteristic of procedures in the past quarter century. This innovation has had a profound influence on engineering practice, changing it from largely an empirical application of formulas, based on experience and applied elementary mechanics, to a scientific methodology in the solution of all major engineering problems. The notable rapidity of advance in automotive vehicles, aviation, air-conditioning, central stations, interconnecting, long-span bridges, high structures, radio and long-distance telephony, in contrast to the slow trial-and-error developments of the last century, reveals this fundamental change in the character of engineering.

[C. C. Fraser, *The Story of Engineering in America.*]
CLEMENT C. WILLIAMS

Engineering Societies. The formation of engineering societies has kept pace with the growth and diversification of the profession. The Boston Society of Civil Engineers was the first to organize (1848) and other local groups followed. In 1852, the American Society of Civil Engineers was founded at New York, but for nearly a half century it was relatively local in its scope and interests. Mining developments in coal and metals prompted the organization of the Institute of Mining Engineers in 1871, and the growth of power and machinery fostered the American Society of Mechanical Engineers,

chartered in 1880. These were followed by the American Institute of Electrical Engineers in 1884, the American Railway Engineering Association in 1896, and the American Institute of Chemical Engineers in 1908. Many lesser societies were formed in this period to serve city, state and regional purposes. Membership in the national societies is graded according to age and professional attainment, full membership usually requiring at least eight years active professional practice subsequent to college graduation. Associate and junior memberships represent less in years of experience and responsibility in practice. In the past quarter century, the principal national societies have encouraged the establishment of local sections of their members closely affiliated with the parent organizations. State and other local engineering societies usually include all varieties of engineers, and generally devote their attention chiefly to public works and other matters of concern in their respective regions. The Society for the Promotion of Engineering Education, founded 1893, comprises members of college faculties and others interested in technological education. It has had a notable influence on educational policies and on the profession.

Until about the time of the World War, the engineering societies were chiefly scientific and professional in character. The American Association of Engineers (1915) was a rather unsuccessful attempt to unite all engineers in a movement to advance their economic status. Following the World War, licensure of engineers gained wide adoption, so that at present more than three fourths of the states have some form of licensure law. The National Society of Professional Engineers (1933) restricts its membership to licensed engineers. The societies representing various phases of engineering, and, organized nationally, total nearly one hundred.

Growing from a need for co-ordination, all engineering societies united to establish (1920) the American Engineering Council of federated engineering societies with headquarters at Washington. More recently (1932) the principal societies together with the association of state licensing boards have organized the Engineers Council for Professional Development. Although the major engineering societies co-operate to maintain a headquarters building and library, an unwillingness to subordinate group identity and independence has prevented an effective unification of the profession.

CLEMENT C. WILLIAMS

Engineers, The Corps of. There being scarcely

any engineering skill in the patriot service, the engineers of Revolutionary days were mostly foreigners; Robert Erskine, the topographer, and Rufus Putnam, who built the fortifications at West Point, were two notable exceptions.

Although a few engineer officers were commissioned in 1775, the first engineer troops in our service were not organized until 1778. These troops were disbanded in 1783. A Corps of Artillerists and Engineers was organized in 1794 for constructing fortifications along the coast and frontiers, with a training center at West Point. This Corps was discontinued in 1802 by an act establishing a Corps of Engineers and providing that it "shall be stationed at West Point in the State of New York and shall constitute a Military Academy." This was the beginning of the present Corps of Engineers. It was also the beginning of the United States Military Academy^W, the first scientific school in the New World. In 1812 the Corps adapted the Academy to meet the needs of all branches of the service. The superintendence and responsibility for the operation of the Military Academy remained with the Corps of Engineers until 1866, when the institution passed to the army at large.

Since its inception the Corps has engaged in important construction work during peace time, with the dual purpose of training for its varied wartime engineering duties and of contributing to the national welfare and defense. That the first purpose has been well served is evidenced by wartime records of the Corps and the individual attainments of its officers. During the Civil War forty-nine officers who either held or had held commissions in the Corps of Engineers were appointed general officers of the line with Federal or Confederate troops; three rose to the position of Commander in Chief of their respective armies (Henry W. Halleck and George B. McClellan of the Union Army, and Robert E. Lee of the Confederate Army); and George G. Meade, victorious at Gettysburg^W, commanded the Army of the Potomac^W to the end of the war. During the World War some forty-one officers of the Corps served as general officers.

The great routes of internal communication, including transcontinental railroads, were first explored, located and projected by Engineer officers (*see* Stevens' Railroad Survey). Other peace-time activities include many important mapping projects (*see* Emory's Military Reconnaissance); fortification installations; inland waterway developments^W, particularly in the Great Lakes system, the Ohio and Mississippi

valleys; flood control^{er}, especially in the Mississippi Valley; and harbor improvements^{er}. The Corps constructed the Panama Canal^{er}, one of the greatest engineering projects ever undertaken, which will always suggest the name of George W. Goethals.

The authorized peace-time strength of the Corps, always small, has increased from 16 (1802) to about 750 (July, 1938). The motto of the Corps since 1814 has been "Essayons."

COMPILED BY MAJ. WILLIS E. TEALE, CORPS OF ENGINEERS, FROM OFFICIAL RECORDS OF THE OFFICE OF THE CHIEF OF ENGINEERS.

English Compromise of 1858. During the fight in Congress in 1858 over the admission of Kansas^{er} as a state, Representative English of Indiana offered a compromise amendment which became law. It provided for a large government land grant to Kansas, to be accepted by a plebiscite of the citizens. If accepted, Kansas would become a state under the Lecompton Constitution^{er}. The Kansas voters rejected the proposition.

[James Ford Rhodes, *History of the United States.*]

ALVIN F. HARLOW

English Settlement, THE, a colony for English artisans and laborers established by Morris Birkbeck and George Flower, was located in Edwards County, Ill. The location was selected in 1817; the first immigrants arrived the following year. Thereafter, for nearly thirty-five years, groups from England came periodically, and enabled the settlement to retain its original homogeneity for half a century. Although predominantly rural, two towns were established: Wanborough, which soon died, and Albion, which exists today. Because of the extensive literature which it inspired, the English settlement attracted much attention to Illinois, while its members constituted a valuable intellectual leaven in the new state.

[George Flower, *History of the English Settlement in Edwards County, Illinois*, Chicago Hist. Soc. Collections, I.]

PAUL M. ANGLE

Enlistment. Although British regular troops, raised in America, followed European long-service systems, colonial militia^{er}, assembled for expeditions against the French, were enrolled for short periods, often only for the summer season. During the Revolution^{er}, excepting emergency militia calls, volunteers were first sought for one year, though later tempted by bounties^{er} to enlist or re-enlist for longer periods or "for the war." This experience was repeated in the War

of 1812, the Mexican War and the Civil War^{er}. (See also Enlistment in the Union Army; Army, Confederate.) During short Indian campaigns and threats of conflicts with France (1796, 1803) and with Spain (1806, 1898), the efficacy of the short-term enrollment was not seriously challenged. Nevertheless, such enlistments nurtured bounty systems, caused military difficulties, and in 1777, 1813, 1847 and 1861 allowed whole regiments to march home as their terms expired, notwithstanding the campaign situation. This predicament was avoided in 1917-18 by recruiting and conscripting "for the period of the emergency."

Save for occasional conscriptions and drafts^{er}, all American enlistment has been voluntary. The standing force, established in 1785, adopted three-year terms, raised in 1808 to five years, reduced in 1833 to three, and re-established in 1846 at five years. Regular and volunteer service was equalized in 1864 at three years, but in 1869 the five-year period was re-instituted for the regulars and continued for about half a century.

Legislation in 1912, trying to create a potentially trained citizenry, prescribed three years with the colors, four in reserve, and in 1916 even permitted reduction of actual service to one year. The act of June 4, 1920 (see National Defense Act) abolished the seven-year period, created a totally separate Enlisted Reserve Corps, and specified one or three years in the regulars at the choice of the recruit. An act of April 25, 1938, created a separate Regular Army Reserve, for which former regulars might volunteer, without obligation of active duty except in an emergency.

[T. Cross, *Military Laws of the United States*; E. Upton, *Military Policy of the United States*; W. A. Gano, *History of the United States Army*; J. T. Dickinson, *The Building of an Army*; G. B. Davis, *Treatise on the Military Laws of the United States*; In re Grimley, 137 U. S. 147; U. S. v. Clark, 31 Fed. 710; U. S. v. Tarble, 13 Wall 397]

ELBRIDGE COLBY

Enlistment in the Union Army, throughout the Civil War, was largely in the hands of state officials. Calls for troops were made by the President, quotas were assigned among the states and congressional districts by the War Department, and local officials or, in the early months, independent organizations tried to arouse the volunteering fever. Bounties^{er} were offered from the start, and before each draft^{er} they often reached immense sums. On Dec. 3, 1861, Gen. McClellan decreed a complete reorganization of the recruiting service, which might have grown into an effective national system had

not Secretary Stanton had a burst of overconfidence shortly afterward. On April 3, 1862, just as the machinery was getting in good working condition, he ordered the discontinuation of the recruiting service in every state from that date. The recruiting offices were closed, the furniture sold, and the officers called back to the army. Then came the military reverses which led to the army crisis preceding the militia draft and the Enrollment Act of March 3, 1863.

Enlistments during the war were for various periods: three, six, nine and twelve months; two, three and five years; thus complicating the problem of assignment of quotas. The system in the summer of 1862 was particularly complex. The President's delay in calling Congress in 1861 did much to cool off the fervor for enlistment at a time when there was a large labor surplus and a holiday attitude toward joining the army and crushing the "secesh." By the time the belated Congress could pass military legislation business prosperity was returning, farm activity was at its height, and Bull Run^{er} had stilled the notion that the war was to be a mere summer's picnic. Nevertheless, the seasonal agricultural labor surplus in the fall of 1861 made it possible to assemble a volunteer army of 640,000 by December.

The wasting of the army by death, desertion and sickness in 1862 finally convinced Stanton that a national recruiting service would have to be revived, and this was done on June 6. But it was too late to remedy the damage done in April. Enlistment had dropped almost to zero and the military situation was such that another call for volunteers might spread panic throughout the country. Hence, Seward engineered a scheme to get the governors to appeal to the President for a call for troops to clinch a final victory presumed to be in immediate prospect. The succeeding calls were for 300,000 each of nine-months militia and three-years volunteers. From that time on adequate enlistment was to be procured only by means of bounties stimulated by fear of the draft. By such means the total force was kept at from 900,000 to 1,000,000 for the last two years of the war. The total number of enlistments for the four years was 2,865,028, but the number of short-term enlistments would reduce the aggregate, on a three-year basis, to 2,324,516. The elimination of duplications shows about 2,675,000 different men serving during the war.

[F. A. Shannon, *Organization and Administration of the Union Army.*]

FRED A. SHANNON

Enoree, Battle of (Nov. 20, 1780). Thomas

Sumter, "Carolina Gamecock," using the tactics so successfully employed by Marion against the British, drew Tarleton into battle at Blackstock's Plantation between the Tyger and Enoree rivers in South Carolina. Sumter was wounded by the British in their first attack, whereupon Gen. Twiggs took over command and shattered Tarleton's force, inflicting a loss of more than ninety killed and nearly one hundred wounded. American loss was three killed and five wounded. (*See also* Southern Campaigns, 1780-81.)

[B. J. Lossing, *Pictorial Field Book of the Revolution.*]

ROBERT S. THOMAS

Ensign, in British service, was the lowest commissioned officer of infantry, who carried the ensign, or colors. In the United States ensigns existed in the colonial militia, in Revolutionary infantry, and in the Regular Army to 1815 (except 1799-1800) as a rank lower than first, second or third lieutenant. In the navy, ensign superseded passed midshipman in 1862.

[Francis B. Heitman, *A Historical Register and Dictionary of the United States Army.*]

DON RUSSELL

Entail of Estate. Originally, this represented a mode of transferring land under feudalism^{er}. Feudal law stipulated that infeudated tenures were limited to a donee and his heirs. Common law^{er}, however, favored free disposition of such tenures. Those who supported free devices found the courts willing to declare that the contractual arrangement between lord and vassal was consummated upon the birth of an heir, and that thereafter the donee might transfer the tenure as he wished. This practice was resisted by the crown and great barons in the famous Statute of Westminster II (1285), often called *De Donis*. By this measure estates were no longer devisable upon the birth of an heir, but were secured to the heir according to the original grant. Should a donee have no heirs, then the estate escheated to the donor. The courts generally sustained this law until the 15th century when free alienation was allowed under the doctrine of common recovery. Powerful landlords met this share practice by various legal methods, and often were able to keep land inalienable for some time.

Entailing of estates was relatively common in colonial America, especially in the agricultural sections of the Southern and Middle plantations. Stout opposition developed, due to the belief that it was dangerous to perpetuate in America a political bloc of landed aristocrats. In several of the colonies recourse was had to

common recovery, while in others private legislative acts allowed free disposition. By the Revolution, colonial opinion was opposed to entail. Many of the original states followed the lead taken by Virginia in 1776, by abolishing entail. Entail was never recognized in Connecticut, though conditioned fees were permitted under common law. In Iowa it was held that entail was not suited to American practices, while in Mississippi the principle of entail was never recognized. On the other hand, Kansas and Delaware accepted this principle.

[R. B. Morris, *Primogeniture and Entailed Estates in America*, *Columbia Law Review*, XXVII, 24-51.]

W. FREEMAN GALPIN

Entangling Alliances (March 4, 1801). Contrary to common belief this phrase was turned by Thomas Jefferson and not George Washington. The latter advised against "permanent alliances," while the former in his inaugural address declared his devotion to "peace, commerce, and honest friendship with all nations, entangling alliances with none." It has been from that day to this a pet of isolationists as they warn against foreign commitments.

[J. D. Richardson, *Messages and Papers of the Presidents*.]

THEODORE M. WHITFIELD

Enterprise-Boxer Action, THE (Sept. 5, 1813). Off Monhegan Island, Maine, the United States brig *Enterprise*, Lt. William Burrows, defeated the British brig *Boxer*, Capt. Samuel Blyth, in a hard-fought forty-minute action. Both commanders were killed almost at the first broadside, Burrows being ably succeeded by Lt. Edward McCall. The victory must be attributed chiefly to the larger complement of the *Enterprise*—102 men as compared with 66, and her slightly heavier armament—fourteen eighteen-pounder carronades and two long nine-pounders as compared with the *Boxer's* twelve eighteen-pounders and two long sixes, though, according to the findings of the British court-martial, the American fire was also directed "with the greater degree of skill." The American losses were thirteen killed and wounded; the British, twenty-one. The two commanders, as mentioned in Longfellow's poem "My Lost Youth," were buried in the Eastern Cemetery, Portland, Maine.

[T. Roosevelt, *The Naval War of 1812*.]

ALLAN WESTCOTT

Entrada. By this term historical writers denote the entrance of *conquistadores*^{es} into lands being explored or settled. The most significant *en-*

tradas were naturally made by the most significant *conquistadores*. Such "entrances" as those of DeSoto and Coronado^{es} were highly spectacular as well as forcible. Oñate's^{es} *entrada* into New Mexico for colonization purposes was marked by the carriage of household goods and gods in addition to military equipment. A single captain in his cortege took, among many other things, fancy flags, thirty war horses, all sorts of saddles and horse armor, six richly colored suits of clothes, a bed with two mattresses and other appurtenances, eight pairs of linen breeches, fourteen pairs of Cordovan leather shoes, eight pairs of Cordovan leather boots, about a dozen pairs of spurs, fifty yards of tenting, etc. Imagine Daniel Boone witnessing this *entrada*.

[G. P. Winship, *The Coronado Expedition*.]

J. FRANK DOBIE

Enumerated Commodities were articles originating in the British colonies and permitted to be exported only to limited destinations: generally to another British colony; or to England, Ireland, Wales, Berwick on Tweed and Scotland, after the union in 1707. The first article enumerated was tobacco^{es} in 1621, by Order in Council. Later enumerations were by specific acts of Parliament and included sugar, tobacco, indigo, ginger, speckle wood and various kinds of dyewoods in 1660; rice and molasses in 1704; naval stores^{es}, including tar, pitch, rosin, turpentine, hemp, masts, yards and bowsprits in 1705, although rosin was omitted in 1729, copper ore, beaver skins and furs, 1721; coffee, pimento, cacao, hides and skins, whale fins, raw silk, pot and pearl ashes, iron and lumber in 1764, and all other commodities in 1766-67. The object of much of this legislation was to prevent important colonial products from reaching European markets except by way of England. Enumeration did not apply to similar products from non-British possessions.

There was one important exception to the enumeration regulation. Direct trade from the colonies was permitted to points in Europe south of Cape Finisterre for rice, 1730; sugar, 1739; and all additional colonial products enumerated in 1766-67. Thus direct exportation from the colonies to the European areas north of Cape Finisterre was forbidden and permitted south of that point. Rice after 1765 could be exported to any place south of Finisterre and was not limited to Europe, thus American rice had an open market in the foreign West Indies and Spanish colonies. (See also Navigation Acts.)

[Charles M. Andrews, *The Colonial Period of American History*, Vol. IV.]

O. M. DICKERSON

Enumerated Powers. Under the Constitution of the United States a National Government was created and to it were given definite powers in order that it might not encroach upon the limits of the states or the people thereof. Those powers given to Congress are contained in large part in Article I, and especially in Section 8 which also includes the right to lay and collect taxes "to pay the Debts and provide for the common Defence and general Welfare" of the United States" and also "to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof." These two clauses have furnished the basis for wide construction by the courts in order vastly to increase the enumerated powers of the National Government.

Article II creates the office of President of the United States and vests him with the Executive power in Section I and with other powers in detail, but of more restricted compass, in the rest of the sections. The judicial power of the United States was created in Article III and "vested in one supreme Court, and such inferior Courts as the Congress may from time to time ordain and establish." Other appropriate powers and regulations are included in the remainder of the Article.

In Article IV the Congress is given power to form and admit new states into the Union and also the power "to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States." In Article V is a provision empowering the Congress to propose amendments to the Constitution.

In addition to these definite creations and locations of specific powers in the United States Government, other powers may be found throughout the Constitution, but the most important are as thus stated These "enumerated powers" are, by the Ninth and Tenth Amendments in the so-called Bill of Rights⁹, "not to be construed to deny or disparage others retained by the people," and also "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

In contrast to this, in the Dominion of Canada enumerated powers are given to the Provinces and the unenumerated powers are left to the central government. This is exactly opposite to the arrangement and location of constitutional powers in the United States.

Epic

[E. S. Corwin, *The Constitution and What It Means Today*; Herbert A. Smith, *Federalism in North America*; W. W. Willoughby, *The Constitutional Law of the United States*.]

WILLIAM STARR MYERS

Environment, Influence of. See Climate.

Envoy Extraordinary. By rules adopted by the Congress of Vienna (1815) and of Aix-la-Chapelle (1818), diplomatic representatives were classified in four grades which have since been universally followed. The Envoy Extraordinary and Minister Plenipotentiary (usually combined in a single title) is the second rank, below Ambassadors⁹ and above Ministers Resident and Chargés d'Affaires. He is accredited to the sovereign of the receiving state. The determination of the ranks of a diplomatic mission is now usually a matter of reciprocity between states.

PHILLIPS BRADLEY

Ephrata, near Lancaster, Pa., was a communal organization founded (1735) as a religious retreat by German Seventh Day Baptists⁹ led by Conrad Beissel. The institution comprised, besides householders, two monastic orders, Sisters and Brethren. Refusing a fixed creed, the society performed baptism by immersion, observed the seventh day and subscribed to pietist beliefs in simplicity. Their theosophy and rituals were drawn variously from Gottfried Arnold, Jacob Boehme, the Bible, primitive Christianity, Roman Catholicism, Rosicrucianism and Free Masonry. The community operated grist, saw, paper, oil (for ink), fulling and bark mills, a tannery, a bakehouse, a bookbindery and, most famous, a printing press. The Sisters did fine pen and needlework. Ephrata won renown for its vocal music, its Academy and its Sunday School. Although the congregation still exists, the monastic features at the Cloister had died out by 1800, and of the many fine buildings only two now remain

[Lamech and Agrippa, *Chronicon Ephratense*; Oswald Seidensticker, *Ephrata, eine Amerikanische Klostersgeschichte*; Julius F. Sachse, *The German Sectarians of Pennsylvania*, Vols. I-II.]

RUTH E. STILSON

EPIC. This alphabetical combination is the first letter of each of the following words: "End Poverty in California." The phrase was devised by Upton Sinclair, 1934 Democratic candidate for the governorship of California. The twelve principles of EPIC and its twelve political planks deeply appealed to fractions of an electorate distracted by the contemporary economic depression. Sinclair was defeated by a small

margin. His scheme thereupon lapsed into the limbo of discarded American politico-economic panaceas.

[Upton Sinclair, *The EPIC Plan for California*.]

JAMES DUANE SQUIRES

Epidemics. If American medical literature is arranged in chronological order, it becomes obvious that the prevailing epidemics of early America were smallpox^{er}, diphtheria and yellow fever^{er}. First, we find a broadside, letters and the remains of a pamphlet warfare on smallpox; second, numerous accounts of diphtheria, which was discussed under such names as bladder of the throat, distemper in the throat, croup, *cynanche trachealis*, *suffocatio stridula*, *angina polyposa membranacea*, *angina suffocativa* and *angina infantium*, for in a primitive community treatment is vigorous and diagnosis weak; third, the beginning of an immense bibliography on yellow fever (hemogastric pestilence, malignant fever, black vomit, mulatto Jack, yellow Jack).

American pioneers of epidemiology include Thomas Thacher (Small Pocks, 1678); the preachers, Increase Mather, Cotton Mather, Benjamin Colman, William Cooper and the physician Zabdiel Boylston, all of whom wrote on smallpox in the year of the introduction of inoculation (1721); William Douglass, a duelist with the pen, who published pamphlets attacking inoculation in smallpox (1722), and whose valuable description of the diphtheria epidemic (1736) which spread from Kingston township in New Hampshire to Boston contains the characteristic thrust, "There may also have been bad medical treatment"; Jabez Fitch, the preacher who printed his sermons on this epidemic (fatal distemper in the throat, 1736); John Tennent, who informed Richard Mead of the seasonal and epidemic diseases of Virginia (1738), but unfortunately insisted that Seneca rattlesnake root was a cure-all; the botanist John Mitchell (yellow fever, 1742); John Lining, whose American yellow fever (1753) was the first history of the disease; Samuel Bard, who wrote the colonial classic on diphtheria (*angina suffocativa*, 1771); Lionel Chalmers (weather and diseases of South Carolina, 1776); Richard Bayley (*angina trachealis*, 1781); William Currie (climates and diseases of the United States, 1792); the publisher Mathew Carey (malignant fever, 1793); and the dictionary-maker, Noah Webster, to whose living laurels as a lexicographer is added the faded leaf of the first American survey of epidemiology (*History of Epidemic and Pestilential Diseases*, 1799).

Aside from the predominating plagues of

smallpox, diphtheria and yellow fever (vanishing diseases in modern America), the colonial physicians fought measles, scarlatina, influenza, chin cough (whooping cough), nervous fever (typhoid fever) and dysentery. Contemporaries spoke of the periodical fevers, intermittents, pleurisies and peri-pneumonias of the Southern states; malaria was bred in the valleys of the Schuylkill and Delaware rivers; Philadelphia was a frequently opened Pandora's box of epidemics; the New Englanders put aside days of fasting at the commencement of an epidemic, and days of thanksgiving when the bells of death ceased to toll. The New Netherlanders also proclaimed a public fast, as they were frightened by "fevers in hamlets" (and by "a new and never heard of heresie named Quakers"). The remedies were the bloodletting lancet and the antimonial cup, clysters, blisters, antiphlogistics, honey and sharpest vinegar with alum, the Indian herbs, incredible doses of calomel, and plenty of prayer.

Increasing knowledge of epidemics does not necessarily spell the end of epidemics, and America's terrible year came in the 19th century (1832), when New Orleans, attacked at once by yellow fever and by its first invasion of cholera^{er}, exhibited the unprecedented death rate of 104.9 per thousand (America's maximum mortality). Our most extensive epidemic was part of the world-encircling pandemic of influenza (1918), which ended the lives of 500,000 Americans.

[William Currie, *An Historical Account of the Climates and Diseases of the United States of America*, Philadelphia, 1792.]

VICTOR ROBINSON

Episcopacy. See Protestant Episcopal Church The.

Epworth League, THE, a Methodist young people's society, formed at Cleveland, Ohio, May 14, 1889, by the union of five young people's societies of the Methodist Episcopal Church^{er}. The next year the young people of the Methodist Episcopal Church, South, adopted the same name and organization, but in 1930 merged the organization into a Young People's Division, and ceased to have a separate organization for the Epworth League. Named for Epworth Rectory, England, at the home church of Samuel Wesley, father of John Wesley, the League has for its purpose the development of Christian fellowship, training in church work, recreation and social life under church influence.

[*Epworth League Handbook*, Nashville.]

JAMES ELLIOTT WALMSLEY

Equal Protection of the Law. The equal protection clause of the Fourteenth Amendment⁷⁰ was incorporated in it for the protection of the then recently freed slaves, from possible action prejudicial to their rights, on the part of the state governments. Like the due process clause⁷¹, it has been used chiefly for the purpose of attacking, in the courts, the constitutionality of progressive social and economic legislation, particularly measures involving the exercise of the police power⁷².

While it does not prevent legislative classification on the basis of generally recognized and clearly discernible differences in the objects classified, it does insure that those who are similarly situated shall be treated alike. This doctrine was very clearly stated by Justice Field in *Barbier v. Connolly* (113 U. S. 27, 1885), when he said: "Class legislation, discriminating against some and favoring others, is prohibited, but legislation which, in carrying out a public purpose, is limited in its application, if within the sphere of its operation it affects alike all persons similarly situated, is not within the amendment." The legislature, for instance, has a right to determine the limits of the jurisdiction of the various courts, and a citizen with a small claim is not denied equal protection when, in the absence of an important constitutional or legal question, he is denied appeal to a higher court (*Missouri v. Lewis*, 101 U. S. 22, 1880). The great majority of the cases involve either questions of race discrimination or questions of discrimination in the matter of taxation. Most of them serve to emphasize the fact that, until quite recently, the application of the Amendment was limited to matters of a procedural nature, rather than to matters of substantive law.

While reasonable classification is permissible, the Court has consistently insisted that individuals or special groups shall not be singled out for either preferential or discriminatory treatment, either in the terms of the law or in the policies of administrators. When such treatment is accorded in the terms of an act or ordinance, the measure may be regarded as class legislation. Thus when an Illinois statute attempted to exempt farmers from the terms of a measure intended to apply to producers in general, the Court held in *Connolly v. Union Sewer Pipe Company* (184 U. S. 540, 1902) that they were afforded an advantage not given to other classes of producers, contrary to the purpose and intent of this clause. Similarly, when the measure is fair on its face, but is enforced in such a manner as to deny to the members of one group privileges accorded to other groups, the dis-

crimination must be eliminated, or the statute itself will be declared invalid. Such a situation existed in the famous San Francisco laundry case, *Yick Wo v. Hopkins* (118 U. S. 356, 1886).

[Charles K. Burdick, *The Law of the American Constitution*; Noel T. Dowling, *Equal Protection of the Laws*, in *Annals of the American Academy of Political and Social Science*, Supplement, January, 1938, Rodney L. Mott, *Due Process of Law*; W. W. Willoughby, *Constitutional Law of the United States*.]

W. BROOKE GRAVES

Equal Rights. See Feminism.

Equal Rights Amendment. See Nineteenth Amendment, The.

Equal Rights Party, THE, a minor political party, 1884-88, which had for its particular object the enfranchisement of women. It also advocated other measures, such as repression of the liquor traffic; uniform legislation with respect to marriage, divorce and property; civil service reform; and condemnation of war. The candidate for President in each year was Mrs. Belva A. Lockwood, a leader in the woman suffrage, peace and temperance movements. The party failed to receive any important support, even from the suffrage organizations, and polled at the most only about 2000 votes.

[James H. Hopkins, *Political Parties in the United States*; Thomas H. McKee, *National Conventions and Platforms*, 3rd ed.]

CLARENCE A. BERDAHL

Equality, The Doctrine of, has been a part of American political theory since colonial days. To the Puritan settlers of New England the equality of all men before God was not less real because all men were regarded as sinners and therefore reduced to one common level. In the redemption, however, an aristocratic element appeared, for only the elect were held to be saved. The equality of political rights was unknown, for the religious requirements at first exacted in Massachusetts were succeeded later in the 17th century by property qualifications for office-holding and for suffrage. Thus the doctrine of equality had no great practical significance in the first colonies.

By 1776 the American colonists had embraced the philosophy of natural rights⁷³, in which the equality of men was a cardinal principle. All men were born equal, not in the physical or intellectual sense, but so far as concerns jurisdiction or authority. This equality of which the patriots spoke guaranteed to all men the freedom to rule themselves, and established in each man the equal right to participate in government. Equality did not pervade the social

system, and people were expected to dress according to their rank and keep their proper place. Social position determined a man's seat in church, and the place his son would occupy in the roster of students at Harvard or Yale. But in the eyes of the law and in the Declaration of Independence⁹⁹ "all men are created equal."

The framers of the first state constitutions⁹⁹ did not always preserve in their practical arrangements the equality found in their political theory. Property qualifications limited the franchise, and unequal apportionments of representation thwarted the principle of majority rule⁹⁹. It was not until the settlement of the interior valleys of the West, and the admission of new states into the Union, that aristocratic pretensions came to be abolished, and the sort of equality contemplated by the Declaration of Independence gradually permeated the whole political system.

Meanwhile, the slavery controversy⁹⁹ led to fundamental differences among men over the meaning of equality. The Abolitionists⁹⁹ clung to the 18th-century notion of equality as a natural right. All men are created equal, they said, and should continue to be equal. The pro-slavery party⁹⁹ insisted that rights belong to men not simply as men, but on account of the superior qualities which are characteristic of certain individuals or races. The Negro⁹⁹, as an inferior order of man, should be kept in a state of subjection for his own and for the general good. The controversy required the clash of arms to settle, but the victory of the North at Appomattox gave the Negro equal rights with the white man.

It was the ideal of Charles Sumner that "the national life is found in the principle of Unity, and in the Equal Rights of all our people . . . Let the humblest citizen in the remotest village be assailed in the enjoyment of Equal Rights, and the Nation must do for that humblest citizen what it would do for itself." This ideal has been approximated by the Supreme Court, in its interpretation of the equal protection⁹⁹ of the laws clause of the Fourteenth Amendment⁹⁹, to mean "a pledge of the protection of equal laws" (*Yick Wo v. Hopkins*, 1886).

[W. S. Carpenter, *The Development of American Political Thought*.]

WILLIAM S. CARPENTER

Equalization Fee. See McNary-Haugen Bill, The.

"Era of Good Feelings" (1817-24). A name originated by the *Columbian Centinel* (Boston, July 12, 1817) during President Monroe's East-

ern tour, and widely used to describe his two administrations. The demise of the Federalist party⁹⁹ gave the appearance of political union in strong nationalism, illustrated by the tariff act of 1816, the second National Bank and Western development⁹⁹. Monroe weathered the panic of 1819⁹⁹, and received all but one electoral vote in 1820. But shifting economic interests causing nascent sectional rivalries, and bitter personal conflicts leading up to the close election of 1824, made the accuracy of this name for the period questionable.

[J. B. McMaster, *A History of the People of the United States*]

PHILIP COOLIDGE BROOKS

Erie (Pennsylvania). See Presque Isle, Fort.

Erie, Fort, was erected on the left bank of the Niagara River at Lake Erie by Capt. John Montresor, in 1764. It was destroyed in 1779 and rebuilt of stone a short distance south, in 1791. Damaged by storm in 1803, a new work was started on higher ground in 1805. Although uncompleted when the War of 1812⁹⁹ was declared, it was garrisoned by British troops until May 27, 1813, when the capture of Fort George⁹⁹ forced its evacuation. It was occupied by the Americans until June 9, and then abandoned, to be reoccupied by the British the following winter.

On June 3, 1814, Generals Brown and Scott captured the fort. After the battle of Lundy's Lane⁹⁹, the Americans retreated to Fort Erie, constructed an intrenched camp in the rear and strengthened the defenses. On Aug. 2, Gen. Drummond, with 4000 British, advanced and laid siege to the post, which was subjected to a continuous bombardment.

Early in the morning, on the 16th, the British attacked, only to be repulsed in severe fighting, with the loss of 905 men. Reinforcements arriving, the siege was continued. On Sept. 17 Gen. Porter made the famous sortie which destroyed the British batteries and resulted in Drummond's withdrawal. The fortifications were shortly destroyed by the Americans.

[Louis L. Babcock, *The War of 1812 on the Niagara Frontier*.]

ROBERT W. BINGHAM

Erie, Lake, fourth in size of the Great Lakes, was named after the Eries (or Cat Nation), an Indian tribe living south of it who were exterminated by the Iroquois⁹⁹ about 1655. The early Jesuit Relations⁹⁹ and French maps before 1669 indicate a knowledge of Lake Erie's existence, but not until that year is there record of a white man on its waters, Louis Jolliet⁹⁹ following its northern shore on a return trip from

the upper lakes. Hearing of the lake from Jolliet, two Sulpician missionaries, Dollier de Casson and Galinée, with a small party of French and Indians, reached it by the Grand River and took formal possession for Louis XIV. In 1679 LaSallesm launched from the Niagara River the first ship on Lake Erie, the ill-fated *Griffon*sm, which disappeared on a return voyage from the upper lakes. Rivalries between French and English over the western fur trade gave the lake a strategic importance which increased in the 18th century as the French occupied the Illinois country and the English began to penetrate the Ohio Valley. Holding Detroit and Niagara, the French were secure until the conquests of the French and Indian Warsm made eastern North America British.

From 1763 until 1796 British-Indian control was maintained despite the Definitive Treaty of Peace of 1783sm which placed the international boundary in the middle of the lake. With the surrender of the border posts by Jay's treaty and the crushing of Indian resistance by Waynesm, American settlements spread along the southern shore. In the War of 1812sm a British fleet took control of the lake and British forces captured Detroit, but Commodore Oliver Hazard Perry's famous victory near Put-in-Bay (Sept. 10, 1813), with a fleet built at Erie (Pa.), enabled Gen. Harrison to cross to Canada and win the battle of the Thamessm. In the peace negotiations the British commissioners at first demanded control of the Great Lakes, but were compelled to give way (see Ghent, Treaty of). In 1818 the Rush-Bagot Agreementsm neutralized all the Great Lakes.

The lake's first steamboat, the *Walk-in-the-Water*sm, made its appearance in 1818. With the completion of the Erie Canal, the construction of Ohio's canal systemsm, and the spread of settlement westward, lake traffic increased rapidly. Passenger traffic, farm products and lumber at first constituted most of the shipping business, but the industrial age saw coal and Lake Superior iron ore, hauled in huge freighters, take the lead, though grain continued important. Its strategic location has made Lake Erie perhaps the most significant of the Great Lakes historically, and has contributed to the economic development of Buffalo (N.Y.); Erie (Pa.); the Ohio lake ports, Cleveland, Toledo, Sandusky, Huron, Lorain, Fairport, Ashtabula and Conneaut; and Detroit (Mich.).

[Frank H. Severance, *An Old Frontier of France*; E. O. Randall and Daniel J. Ryan, *History of Ohio*; W. M. Gregory and W. B. Guittreau, *History and Geography of Ohio*.]

EUGENE H. ROSEBOOM

Erie, Lake, Battle of (Sept. 10, 1813). The victory of the nondescript American fleet under Oliver Hazard Perry off Put-in-Bay, Lake Erie, was the major naval engagement on the Great Lakes in the War of 1812sm, and insured immediate American control of Lake Erie and thus the freedom to invade Canada. It also forestalled any cession of territory in the Northwest to Great Britain in the treaty of peace (see Ghent, Treaty of).

Perry's fleet of one captured brig and the ships he had built at Erie, two brigs and a half dozen schooners, blockaded Malden, the British base, thus obliging the British force of three brigs and three schooners to come out for supplies. The fleets met soon after noon in a light breeze, each side drawn up in a single line, but with Perry having the advantage of the windward position. On Perry's flagship, the *Lawrence*sm, which headed the line, flew a crudely made flag, now at Annapolis, inscribed with the words of the dying Lawrence, of the *Chesapeake-Shannon* actionsm, "Don't Give Up the Ship."

As the lines slowly converged, Perry ordered the *Caledonia* and the *Niagara*, his better ships, but both armed only for short range fighting, to close up to support the *Lawrence* in concentrating on the head of the British line. Because of previous orders, Elliott, of the *Niagara*, seemed to have felt he must keep behind the *Caledonia* rather than use his superior sailing to pass ahead (see Perry-Elliott Controversy). As a result of the light air and the slow sailing of the *Caledonia*, the *Lawrence*, unsupported, sustained the fire of the larger British ships for two hours and a half until four fifths of her crew were killed or wounded and the ship itself badly damaged.

At 2:30 Perry assisted the purser and the chaplain to fire a final shot, and was then rowed through a dangerous fire to the *Niagara*. Once on board, he ordered her into close action, and she came up just as the two stronger British ships, the *Detroit* and the *Queen Charlotte*, had fouled each other in an attempt to wear and bring fresh broadsides into play. Securing a position ahead of them, Perry poured in raking broadsides, where at this close range the 32-pounder carronades of the *Niagara* could do great execution against an almost defenseless enemy. With forty dead in his squadron, and ninety-four, including himself, wounded, Barclay, the British commander, soon surrendered. So severe had been the early phase of the engagement that the American loss was little less, twenty-seven killed and ninety-six wounded. From the *Lawrence*, to which he returned to receive the formal surrender, Perry sent his fa-

mous message to Gen. William Henry Harrison, the commander of the American Army in the Northwest, "We have met the enemy, and they are ours, two ships, two brigs, one schooner, and one sloop."

[A. T. Mahan, *Sea Power in Its Relations to the War of 1812*.]

WALTER B. NORRIS

Erie, THE. See Cat Nation, The.

Erie Canal, THE, was in embryo a matter of national survival, and in realization a miracle of national growth. From early colonial days, links with the western wilderness, then a field for international rivalry, had been urged by men of vision. The way, however, was physically and geographically hazardous, from where the thirteen colonies lay along the Atlantic seaboard. The Appalachian Mountains presented an almost unbroken wall, only to be reached by a wearying course of short river rides and long portages between, and only to be surmounted or penetrated against the menace of wild animal, wild country and wild man.

After the American Revolution, striking through to the West became imperative. Safety, room to expand, to make a nation and satisfy it, were vital needs. But travel to new treaty lands beyond the mountains remained arduous. Part of the problem was solved by the Louisiana Purchase, with free navigation of the Mississippi⁴⁹⁷. But inaccessibility from East to West continued. A few roads were thrown across the Appalachian barrier, but as for trade, transit was slow, rivers dangerous, wagons of small capacity. Meanwhile, British Canada expanded along the St. Lawrence and north of the Great Lakes, and pursued the fur trade⁴⁹⁸ with the Indians, who did much of their trapping in what was now United States territory.

The United States slowly pushed into the nearer West, the tide of migration flowing mostly up from the South. But the East, too, must expand, or else stagnate. Which way would hard-headed Easterners go? By wagon endlessly, into unopened land; or north, perhaps, to Canada with its European ties and ready-made trade? Indications actually pointed toward the latter choice. For of what use lands that lacked the means for carrying commercial produce out?

Americans had long spoken of canals. Washington himself, anxiously observant, strove for waterways as bonds of union (see Potomac Company, The). Small tentative channels and junctions were effected here and there. New York, with a natural break in the mountains toward the Lakes, experimented enthusiastically. But struggling, youthful, New York, like the others,

shied from large-scale undertakings, until in 1810 those interested there approached the powerful, patriotic and intensely state-conscious DeWitt Clinton.

Clinton embraced the vision of a canal from the Hudson through the Mohawk Valley and on to the Lakes, and made it his. He brought reality to bear on vague unlettered schemes and doubts and jealousies. He acted without pay as commissioner, consulting surveyors, studying history and plans, touring the ground repeatedly, writing forcefully, and early becoming convinced that only a lock canal was feasible, and that Lake Erie, not Lake Ontario as some wished, should form the western outlet. A due western outlet. . . .

But he proposed a miracle; he, a political figure. Local and national bodies fought him throughout. Statesmen doubted. Even landowners along the route disbelieved that such a stupendous financial and physical project could be undertaken. Or should. When Clinton said sparse, scattered villages, weedy settlements, virgin forests of New York would grow into roaring townships because a waterway ran through, sceptics and political antagonists began referring derisively to "Clinton's Ditch."

There followed years of frustration and delay. In 1812 Clinton and Gouverneur Morris went to Washington to solicit Federal aid, but were unsuccessful. The United States had other things to think of. A new war with England, for one thing. And for another, a bitter presidential race between Clinton and the incumbent, James Madison. . . .

Thenceforward, the canal was New York's; but not until 1815, the war over, and national growth the question of the hour, did canal enthusiasts in New York meet *en masse* and decide to petition the legislature. Clinton wrote the memorial, which told not only why but how the canal should be built; the probable cost; the meaning, to state and nation. It has been rightly said that this memorial alone would have earned him his pinnacle in canal history. It won widespread support, and on April 15, 1817, construction of the middle section of the canal, though still hotly fought, was authorized. Also a Hudson-to-Lake Champlain subsidiary.

Work began July 4, 1817, and by 1819 had so progressed that the remainder perforce was sanctioned. In 1820 the first section was finished. In October, 1823, the first boat entered the western canal from the Hudson at Albany, the easterly terminus. New York began to celebrate, to visualize the truth. For as the canal grew, so grew commerce and population in its course.

In the fall of 1825 the Erie Canal—the first great canal in the Union; from Lake Erie to the Hudson, pathway to the Atlantic—was completed. Three hundred and sixty-three miles long, it had been created where engineering was untaught. Unknown names—Wright, Geddes, White—as builders of the canal, formed the first school of engineering^{er} in America: a natural school, of pure experience. Heroes were with Gov. DeWitt Clinton on a bedecked, garlanded canalboat (the *Seneca Chief*) at Buffalo, the westerly end, that October; Buffalo^{er}, town in name only as recently as 1810, now a visibly thriving port. As the procession triumphantly journeyed along the waterway itself, there was the miracle-come-true—towns where empty wilderness had been, houses, churches, schools, shipyards, granaries, mills and factories where frontier post had met primeval forest. The boats moved between reverberant, thronged banks. Guns boomed, heralding. So out to Albany, basking in activity unheard-of. So down the Hudson—canalboats in tow of Fulton's^{er} youthful steamboats—to New York City. Backward city, in the past. Secondary seaport, without facilities for reaping rich inland resources. Metropolis suddenly; pre-eminent gateway. Amid an acclaiming multitude, Clinton poured a kegful of Erie water into the Atlantic. It was the baptism of the Empire State. "Clinton's Ditch," modest in depth and width, gigantic in length, and in its significance one of the greatest undertakings in American history, was a benediction on the future. Where men had toiled endlessly, carrying inconsequential produce for infinitesimal profit, the canal bore salt, cement, wool, cotton, lumber, grain, hemp, in bulk—bore, in effect, gold, speedily, cheaply; bore Easterners, flocking west; carried on a tide of commerce, accelerating and transforming Midwestern population and government. Bore immigrants, foreign trade. On the Great Lakes, steamboat traffic sprang to success. A wilderness changed, with intimations of future mighty centers—Cleveland, Detroit, Chicago. For Ohio, Michigan, Illinois immediately multiplied as never before. Regions farther west beckoned.

Meanwhile, New York grew before men's eyes. Clinton, who by carefully acquired knowledge and unimpeachable integrity of motive had changed a struggling if noble portal into an industrial and commercial world mecca, was besought by other states, with canals^{er} the universal watchword. Above all, the course of industry, prosperity, was set. New York showed the way, and other states emulated and profited, before the first rail of the first iron road had been laid down in America.

The Erie Canal cost \$7,000,000 odd, raised by loan, which was promptly met, enhancing United States credit generally. Its total income for the first year alone approximated \$1,000,000, and for many years New York enjoyed a tremendous canal surplus. With subsequent enlargements and feeders, the waterway served for almost a century. The modern New York State Barge Canal^{er}, begun in 1905 and following very largely the original course, still bears a rich share of the produce of the West through New York to the markets of the world.

[Erie Canal History, Buffalo Historical Society *Publications*; D. Hosack, *Memoir of DeWitt Clinton*; D. Bobbé, *DeWitt Clinton*, N. E. Whitford, *History of the Canal System of the State of New York*.]

DOROTHIE BOBBÉ

Erie Railroad. In 1831 the idea of connecting New York City with Lake Erie by a railroad was discussed, and in 1833 a company was organized. Ground was broken in 1835, but many difficulties beset the work, and not until 1851 did the track reach Dunkirk, its original objective on Lake Erie. In 1852 a connection was made with Buffalo. The eastern terminus was for many years at Piermont, twenty miles up the west side of the Hudson from New York—with which it was connected by steamboat—but in 1862 a line was opened to Hoboken. The Erie became notorious in 1867–68 by reason of the battle for its control waged by Jay Gould, James Fisk, Cornelius Vanderbilt and Daniel Drew. Gould retained the power and promptly took over two lines which gave the road connection with Chicago and Cincinnati, but he left it impoverished, and it has not yet (1939) recovered. In 1927 it became a part of the "rail empire" of the spectacular promoters, O. P. and M. J. Van Sweringen.

[Edward Harold Mott, *Between the Ocean and the Lakes: the Story of Erie*.]

ALVIN F. HARLOW

Erie Railroad Co. v. Tompkins, 1938 (304 U. S. 64). In 1842, in *Swift v. Tyson*^{er}, the Supreme Court established the rule that Federal courts need not apply the unwritten law of the state in diversity of citizenship cases. On grounds (1) that modern scholarship has shown that interpretation of the Judiciary Act of 1789^{er} to be wrong, (2) that the application of the rule has been harmful in its effects, and (3) that *Swift v. Tyson* represents an unconstitutional assumption of power by the Federal courts, the rule is here reversed. Federal courts are now obliged in such cases to apply the law of the state whether it be declared by statute or by judicial decision.

HARVEY PINNEY

Erie Triangle, comprising about 200,000 acres bounded by Lake Erie, New York, and the 42nd parallel, was part of the western territory ceded to the nation by New York and Massachusetts in 1781 and 1785 respectively. Jurisdiction over the triangle was ceded to Pennsylvania in 1788 after the state had bought the land at seventy-five cents an acre.

[Thomas Donaldson, *The Public Domain*.]

SOLON J. BUCK

Erskine's Agreement. On April 18 and 19, 1809, David M. Erskine, representing Great Britain, entered into an agreement with Robert Smith, American Secretary of State, providing for a withdrawal of the British Orders in Council^o, of January and November, 1807, and restoration by the United States of commercial intercourse. Erskine exceeded his instructions and was recalled by Canning. Anglo-American relations^o thereafter grew worse instead of better.

[C. C. Tansill, Robert Smith, in *The American Secretaries of State and their Diplomacy*, edited by Samuel Flagg Bemis, Vol. III.]

LOUIS MARTIN SEARS

Escalante-Domínguez Expedition. The year 1776 was momentous elsewhere besides in the Thirteen Colonies. New Mexico had then been occupied by Spaniards for nearly 200 years, whereas California had only recently been colonized and was difficult to reach. The viceroy in Mexico City wanted intercourse opened between Santa Fé and the new port of Monterey; while the Franciscan^o missionaries wanted to explore the intervening country for new Indian peoples to evangelize. Accordingly a party started from Santa Fé, July 29, 1776. It was headed by Fray Silvestre Vélez de Escalante from the Zuñi mission. With him went the Father Custodian, Fray Francisco Atanacio Domínguez; Don Bernardo Miera y Pacheco, retired captain and map maker; two other Spaniards; a "Yuta" interpreter, and four half-breeds and Indians as soldier-servants.

Following up the Chama River and across the San Juan (or Navajoo), they had a glimpse of the Mesa Verde ruins^o and finally reached the Great Salt Lake^o Valley—far beyond any earlier exploration. With the season advanced, and unable to secure native guides, they abandoned the effort to reach Monterey. Turning south through Cedar Valley and "Dixie," they worked eastward through the "Arizona Strip," and finally succeeded in crossing the Colorado at the "Ford of the Fathers" (later, Lee's Ferry). After reaching Oraibi, they followed known trails to Zuñi,

Ácoma, Laguna, Isleta, and arrived in Santa Fé, Jan. 3, 1777. In five months the little party had covered about 2000 miles, and strengthened Spanish exploratory claims northward nearly to the 42nd parallel and westward to the "Escalante Desert."

[H. E. Bolton, Escalante in Dixie and the Arizona Strip, *New Mexico Historical Review*, III, January, 1928, 41-72.]

LANSING B. BLOOM

"Escalator" or "Safeguarding" Clause. Article 21 of the London Naval Treaty of April 22, 1930^o, permitted the United States, the British Empire and Japan to increase (after due notification to each other) their tonnage in cruisers, destroyers, and submarines, in the same proportions as agreed upon in the treaty, if the new construction of other Powers (France and Italy) "materially affected" their own national security. This principle was maintained in the London Naval Treaty of March 25, 1936^o, between the United States, the British Empire and France.

[A. J. Toynbee, *Survey of International Affairs*, 1930, p. 21; *ibid.*, 1936, pp. 626-628.]

BERNADOTTE E. SCHMITT

Esch-Cummins Act. See Transportation Act of 1920, The.

Esopus. See Kingston, N. Y.

Esopus War, THE (1659-64), was started by the folly of a few settlers in the settlement at the mouth of the Esopus, who fired into a group of Indians, carousing among themselves after their day's work. The Indians retaliated by attacking the Dutch village. The Dutch declared war and the tribes were routed. A truce was patched up through the mediation of the Mohawks and Mahicans^o. Stuyvesant had, however, sent some of the Indian captives to Curaçao as slaves and this remained a source of grievance. Three years later the Indians suddenly attacked the settlements at the Esopus, destroying the New Village and burning twelve houses in Wiltwyck, killing twenty-one persons and taking forty-five prisoners. Several expeditions were sent into Indian territory, an Indian fort burned and most of the captives recovered. The following May, 1664, a treaty of peace was signed.

[*History of the State of New York*, Vol. I, Chap. IX; A. H. Van Buren, *A History of Ulster County Under the Dominion of the Dutch*, M. Schoonmaker, *The History of Kingston*.]

A. C. FLICK

Espionage, Industrial. Spies among industrial workers and in trade unions^o were used at least

as early as 1870 by employers as a means of resisting and preventing unionism. Some corporations had their own company spy systems. Others depended on services rendered by employer associations or by private detective agencies⁷⁰, such as Pinkerton's or William J. Burns'. Agents were generally planted in the industrial community chiefly as fellow "employees" in the shops and as secret "operatives" who joined the local union to investigate its affairs from within. These practices led to seven congressional investigations between 1892 and 1939, and a bill (S. 1970) was proposed in 1939 to define and eliminate such practices.

[S. C. Howard, *The Labor Spy*; Industrial Espionage, Senate Report No. 46, pt. 3, 75 Cong., 2 Sess., 1937.]

MARTIN P. CLAUSSEN

Espionage Act, THE (June 15, 1917), authorized severe punishments, in time of peace or war, for any person transmitting, communicating, or delivering information, or attempting to do so, regarding the national defense⁷¹; or for, in any way, interfering with the national forces. Material urging insurrection, treason, or forcible resistance to United States laws was declared to be nonmailable. Provisions were also included to punish attempted interference with shipping, passport frauds, counterfeiting of the government seal and violations of American neutrality⁷².

On May 16, 1918, important amendments, generally referred to as the Sedition Act⁷³, were added by Congress. Chief of the new provisions was that which provided heavy punishment for any one who should, during a period of war, "utter, print, write, or publish any disloyal, profane, scurrilous, or abusive language" about the flag, the armed forces or their uniforms, the Constitution, or the form of the government of the United States.

[Statutes At Large, Vol. XL; Zechariah Chafee, Jr., *Freedom of Speech*.]

ERIK MCKINLEY ERIKSSON

Essex, Cruise of the (1812-14), inflicted a loss of \$6,000,000 on British whaling in the South Pacific (see War of 1812). The *Essex*, Capt. David Porter, forty-six guns, after being the first American warship to round the Horn, refitted at Valparaiso, attacked and captured British whalers around the Galapagos, March to September, 1813. Overhauling his ship in the Marquesas, Porter returned to Valparaiso, outside which, in neutral waters, on March 28, 1814, he was attacked by the British frigate *Phæbe*, Capt. Hillyar, forty-four guns, and the sloop *Cherub*, twenty-six guns. Hampered by the loss of his

main-topmast in a squall, Porter was repeatedly raked by the enemy ships while his carronades could not reach them. He attempted to beach his ship and destroy her, but was prevented by the wind shifting, and, after resisting stubbornly for nearly two and one-half hours, was compelled to surrender. His losses were fifty-eight killed, sixty-five wounded, and thirty-one missing, the British, five killed and ten wounded.

[A. T. Mahan, *Sea Power in Its Relations to the War of 1812*.]

WALTER B. NORRIS

Essex, THE, was a prize case decided by the British High Court of Admiralty in August, 1804, and the judgment was affirmed by the Lords Commissioners of Appeal the following May. During the wars growing out of the French Revolution, British prize courts were bent upon enforcing the Rule of War of 1756⁷⁴ (neutrals would not be permitted to engage in time of war in a colonial trade from which they were excluded in time of peace). Prior to the *Essex* case, the British had recognized the right of American neutrals to carry on trade between their own ports and enemy colonies, and in the case of the *Polly*⁷⁵ even permitted the re-exportation of such cargo. Profiting by this, American traders carrying cargoes from a colony to a country at war with Great Britain broke the voyage by stopping intermediately at an American port and, by a feigned importation, sought to evade the British restrictions. The decision in the *Essex* was aimed at stopping this practice. The Court ruled that "the mere touching at any port without importing the cargo into the common stocks of the country" constituted a continuous voyage⁷⁶ and the goods therefore were forfeit. The decision thus became a leading case on the doctrine of "continuous voyage," increased the seizures of American vessels, and aggravated the tension between Great Britain and the United States.

[5 C. Robinson's *Admiralty Reports*, 368-69; W. A. Philipps and A. H. Reede, *Neutrality, Its History, Economics and Law*, Vol. II, 123-25.]

DOROTHY BURNIE GOEBEL

Essex Junto, THE, was made up of "men of education and property," representatives of Essex County, Mass., who came together at Ipswich in April, 1778, to consider a new constitution for Massachusetts. Their adverse opinion, expressed in the "Essex Result," of the proposals of John Hancock caused him to characterize the group as the Essex Junto. They constituted the dominant group in the Federalist party⁷⁷, speaking of

themselves as the "wise and good and rich,"⁹⁹ qualified by birth, education and property to rule. They favored adoption of the Federal Constitution⁹⁹, supported Hamilton's financial program, and opposed Jefferson and all he stood for. They favored war with revolutionary France (see Franco-American Misunderstanding), opposed the Embargo⁹⁹, and finally brought about its repeal. Because of bitter opposition to Jefferson and his policies and to the War of 1812⁹⁹, the Junto came to be called the "British faction." Nullification and secession⁹⁹ were advocated. Though unsupported by general popular approval, continued opposition to the war and its conduct finally led to the calling of the Hartford Convention⁹⁹. The opposition within the convention, Jackson's victory at New Orleans, and the Treaty of Ghent⁹⁹ ended the Junto's influence.

[J. T. Adams, *New England and the Republic.*]

THOMAS ROBSON HAY

Essex Wildcat Bank, THE, at Guildhall, Essex County, Vt., chartered Nov. 7, 1832, was one of the numerous wildcat banks⁹⁹ which issued irredeemable currency before the National Banking Act of 1863 (see Banks, National). The Secretary of the Treasury reported to the House of Representatives on Jan. 3, 1836, that the Essex Bank had issued a large amount of currency on no capital whatever, except \$2000 in notes of the stockholders.

[A. B. Hart, *Slavery and Abolition, American Nation Series*, Vol. XVI.]

STANLEY R. PILLSBURY

Eternal Center, THE, was the first large crude oil "strike" in present West Virginia. It was in the Burning Springs Field (Wirt County) and was made in December, 1860, more than a year after the Karnes well, in the same field, and the famous Drake⁹⁹ well at Titusville, Pa., were completed. The Eternal Center was drilled by the use of a spring pole and launched a boom which attracted as much attention locally as did the Civil War, which began the following year.

[Festus P. Summers, *Johnson Newlon Camden, A Study in Individualism.*]

CHARLES H. AMBLER

Eucharistic Congress at Chicago (1926). The Twenty-eighth International Eucharistic Congress held in Chicago, June 20-24, 1926, was a gathering of Catholic clergy and laity from all parts of the world to manifest their faith in the dogma of the Eucharist. In the huge throngs that assembled were 12 cardinals, 3 apostolic delegates, 57 archbishops, 257 bishops, 17 mitred abbots, 4 superiors general of religious com-

munities, 500 prelates, thousands of priests and other religious, and laity from all walks of life in numbers ranging from 350,000 to approximately 1,000,000 at the closing ceremony and procession at Mundelein (Ill.) on June 24. John Cardinal Bonzano represented Pope Pius XI as special legate. The ceremonies were entirely religious, consisting of liturgical services and sermons on religious topics.

[C. F. Donovan, comp., *The Story of the Congress.*]

THOMAS T. McAVOY

Eutaw Springs, Battle of (Sept. 8, 1781), was the last important engagement of the Revolution in South Carolina. The fight was forced by Gen. Nathaniel Greene upon the British commander, Col. Alexander Stewart, to prevent aid to Cornwallis should the latter attempt a return to the state. The American force, about 2000 strong, was composed of Continentals and North and South Carolina militia; the British had a somewhat larger number, all regulars. Both commanders attacked successfully with their right wings, but the British, thanks to the gallantry of Maj. John Majoribanks and to the protection of a large brick house near their center, were able to force Greene from the field. Stewart however, was unable to retain his position, and retreated next day toward Charleston. The Americans lost a quarter of their number, the British an even larger proportion. Although the battle had no effect upon the Yorktown campaign⁹⁹, the losses sustained by the British made it necessary for them to retire to Charleston for the remainder of the war.

[E. McCrady, *South Carolina in the Revolution, 1780-1783*]

R. L. MERIWETHER

Evangelical Alliance, THE, was one of the earliest attempts to bring about Protestant co-operation. While the Alliance was formed in London in 1846 at a great convention at which fifty evangelical bodies of Europe and America were represented, its real father in America was Dr. Samuel S. Schmucker of Gettysburg Theological Seminary who had published a *Plan for Protestant Union* in 1838. Dr. Philip Schaff was also an early leader in the movement both in Europe and America. A branch of the Evangelical Alliance was formed in America in 1867, which was active in furthering many co-operative enterprises. The greatest international conference of the Alliance was held in New York in 1873. Other important meetings were held in Washington in 1887 and at the World's Fair in Chicago in 1893. By 1900 the influence of the Evangelical Alliance was waning in America,

and in 1908 it was replaced by the Federal Council of the Churches of Christ in America[™].

[E. B. Sanford, *Origin and History of the Federal Council of the Churches of Christ in America*, Gaius J. Slosser, *Christian Unity, Its History and Challenge in all Communion, in all Lands*.]

WILLIAM W. SWEET

"**Evangeline**," one of Henry W. Longfellow's most popular poems, was published in 1847. The story had been first told to Hawthorne some nine years earlier by Horace Conolly, who later repeated it to Longfellow. Feeling that the story was not suited to his methods, Hawthorne turned over the idea to Longfellow. The story of the betrothed lovers, accidentally separated when the Acadians[™] were exiled by the British in 1755, appealed very strongly to Longfellow, and from it he made one of the most famous narrative poems of our literature. Even today the poem reflects the popular idea of the ruthlessness of the British in tearing the Acadians from their homeland, though the actual facts differ from the legend as presented by Longfellow.

[Samuel Longfellow, *Life of Henry Wadsworth Longfellow*.]

E. H. O'NEILL

Evangelism and revivalism (*see also* Revivals) are generally used as identical terms. Technically, however, evangelism stands for a certain doctrinal emphasis of Christianity in which the objective atonement of Christ, the necessity of a new birth or conversion, and salvation through faith alone are particularly stressed. Revivalism, on the other hand, connotes certain peculiar methods of presenting evangelical doctrine in order to bring about a renewed religious interest, often resulting in widespread religious awakenings. There are certain churches, such as the Lutheran[™], which are evangelical in their doctrinal position, but are not revivalistic in their methods.

To a large degree evangelism or revivalism is peculiar to America or to other new countries, and has arisen as a result of conditions peculiar to newly settled regions. Until more or less recent times church membership came about in all European countries, where there were state churches, simply as a matter of course and was little more than a phase of citizenship. In the English colonies in America, even though in nine of them there were established churches[™], church membership from the very first was a matter of the few and not of the masses. Thus, there came to be, for the first time in the history of Christendom since the Reformation, a group of civil states in which the majority of the people were without church affiliation. It was this situ-

ation which gave rise to a new method of winning people to the churches by means of mass appeal to the emotions.

The origin of evangelism or revivalism, though often traced through German Pietism, Moravianism and Methodism, as a matter of fact has its source, as far as America is concerned, in Puritanism[™] rather than in any continental movement. John Wesley's own conversion came four years after the great New England awakening[™] had begun under the preaching of Jonathan Edwards. The great colonial evangelical revivals influenced all the churches and from the middle of the 18th century until more or less recent times the evangelical or revivalistic method has been used by all the popular evangelical bodies. As population pushed westward and new frontiers were created conditions were thus made favorable for the continuation of these methods. Though emotional evangelism has generally been considered as furthered principally by Baptists and Methodists, as a matter of fact the greatest of all the individual evangelists have been either Presbyterians or Congregationalists[™], and include among them such names as Jonathan Edwards, Samuel Davies, Charles G. Finney, Lyman Beecher, Dwight L. Moody and William A. (Billy) Sunday.

[J. H. Overton, *Evangelical Revivals in the Eighteenth Century*; C. G. Finney, *Lectures on Revivals of Religion*; W. W. Sweet, *The Story of Religions in America*.]

WILLIAM W. SWEET

Evans' American Bibliography (1903-34) is the indispensable catalogue of books printed in America from 1639 to 1799. It was to have been continued to 1820 but was brought to a close at the end of the twelfth volume by the death of the compiler. It is indexed by author and subject, and by printer and publisher, and locates copies of the works listed in American libraries. Titles included number 35,854, all arranged in chronological order.

[I. G. Mudge, *Guide to Reference Books*.]

CARL L. CANNON

Evans' (Lewis) General Map of the Middle British Colonies in America, engraved by James Turner and published in 1755 by Franklin & Hall, of Philadelphia, and Dodsley, of London, was constructed from personal investigations reinforced by information acquired at firsthand from travelers, Indian traders and land company officials. Though sold separately if desired, it was accompanied by an important topographical discussion of the section in question, particularly of the western part of it, entitled *Geographical*,

Historical, Political, Philosophical and Mechanical Essays The degree of esteem in which the Evans map was held by its contemporaries is evidenced by the fact that in his *Lewis Evans His Map of the Middle British Colonies in America* (eds. of 1920 and 1924) Henry N. Stevens records seventeen English and continental reissues and plagiarisms of the map between 1755 and 1814. The Evans map of 1755 is not to be confused with the same cartographer's *Map of Pennsylvania, New-Jersey, New-York, and the Three Delaware Counties*, of Philadelphia, 1749.

LAWRENCE C. WROTH

Evolution and Religion. The theory of evolution as set forth by Charles Darwin in his two books *Origin of Species* (1859) and the *Descent of Man* (1871), brought almost a religious panic in nearly all religious circles in America. Both the Biblical accounts of creation and of man's origin came squarely up against the new theory of origins. This brought the entire Christian world face to face with a crisis of major importance. Many religious leaders in the United States contented themselves with denouncing the theory and declared that the evolutionists were delighting "in ungoding the universe." However, several able defenders of the position that evolution was not necessarily subversive of religion soon arose. John Fiske popularized these ideas in a series of widely read volumes, and many came to accept his aphorism that, "Evolution is God's way of doing things", that growth, not manufacture, was God's way, that every day is a creative day. Lyman Abbott, the editor of the *Outlook* (1893-1922), was a Christian evolutionist and exercised a powerful influence in grounding the faith of thousands of disturbed people. This does not mean, however, that the evolutionary philosophy has become universally accepted in the United States. (See also *Scopes Trial*)

[G. B. Smith, *Religious Thought in the Last Quarter Century*, John Fiske, *Darwinism and Other Essays*, Lyman Abbott, *What Christianity Means to Me*.]

WILLIAM W. SWEET

Excess Profits Tax. THE was first levied by the Federal Government in 1916, motivated by pressure for larger tax revenues and the feeling that high war profits, being mainly "windfalls," should be taxed heavily. Excess profits for tax purposes meant excess over normal or prewar profits, measured as a percentage of capital invested. During the years 1917-19 the annual yield averaged almost \$2,000,000,000. In later years the yield declined as rates were lowered, and the measure was repealed in 1921.

The tax was revived in 1933. Excess profits are measured on the basis of declared value of capital stock, and the rates are progressive. The yield increased from \$2,600,000 in the fiscal year 1934 to almost \$37,000,000 in the fiscal year 1938. Great administrative difficulties are inherent in deciding what constitutes excess profits. (See also *Capital Gains Tax*)

[A. G. Bucher, *Public Finance*, H. L. Lutz, *Public Finance*.]

MA-COLX M. DAVISSON

Exchange, Bills of, are credit instruments facilitating domestic or foreign trade. Domestic bills, of little significance in the United States until 1850 when deposit banking became important, now, largely in the form of bank checks, settle 85% to 90% of all domestic transactions. Extensive use of foreign bills in dollars is a more recent innovation, national banks being forbidden to accept such bills drawn against them until 1913. Rediscounting and open market operations of the Federal Reserve SystemTM have greatly encouraged both.

[I. B. Cross, *Domestic and Foreign Exchange*.]

W. B. LOCKLING

Exchange of Prisoners. The practice of exchanging prisoners of war grew out of the medieval custom of holding captives for ransom. By the time of the American Revolution, the rules of international law governing exchange had been generally worked out, and exchanges were carried on throughout the war. For a time, Alexander Hamilton represented the Americans in negotiating for exchanges with the British. In the War of 1812, a formal agreement was made between the military officials, during the Mexican War opposing commanders occasionally exchanged captives after engagements.

Serious problems were involved in exchanges during the Civil War. Unwilling to recognize the belligerent status of the Confederacy, the Lincoln government refused to enter into formal negotiations for exchange, although a number of generals facing each other made exchanges. Finally, in 1862, the number of captives and reports of bad treatment in Southern prisons induced sufficient political pressure to force the Government to accept a formal cartel, which provided for sending men home under parole immediately after capture. Under this arrangement, men frequently surrendered to obtain a parole. Secretary Stanton took advantage of quarrels over technicalities between the constituted exchange agents and, Dec. 23, 1862, ordered the exchange of commissioned officers suspended. During 1863 there were frequent charges of bad faith, and the

cartel broke down. Thereafter, until the last months of the war, exchange was limited to a few sick prisoners. In 1864 Gen. Benjamin F. Butler reopened exchange on the earlier basis of individual arrangements between commanders, and beginning in January, 1865, Gen. Grant carried on exchange until Appomattox⁷⁷.

There was no exchange of prisoners during the Spanish-American and the World War⁷⁸, but a mutual release of captives was incorporated in the armistices which ended the actual combat.

[W. B. Hesseltine, *Civil War Prisons*; House Report No. 85, 40th Congress, 3rd session, 1869.]

W. B. HESSELTINE

Exchanges represent an advanced stage in marketing where the area covered is large, often nationwide, and in a few cases worldwide. They grow out of markets when the transactions are so numerous and the area covered so great that a specialized group of men is needed to carry on the transactions. Such a group becomes organized and makes rules to facilitate the orderly conduct of business. The grading of the commodities is an important factor in the development of exchanges. On the stock exchange each share of a given class of stock or bond of a given issue is identical with every other. Elaborate provisions to prevent the fraudulent issues of listed securities make inspection unnecessary. Commodities are not so uniform, but private or governmental bodies certify that they are of a certain grade and so can be sold without inspection. But even here, if they are bought for cash, samples are shown. In the ordinary course of events, the graded commodities are put in a public warehouse and negotiable receipts are issued. The seller gives the buyer this receipt as delivery of the commodity purchased. Banks make loans on such receipts. Usually one grade is commonly traded in, such as "upland middling" cotton. Other grades can be substituted by paying differentials set by the exchange above or below the contract grade.

Most exchanges provide for future as well as cash transactions. This gives a chance for speculation which may perform a useful function in permitting hedging and equalizing prices, or may be akin to gambling. The exchange usually makes available the figures as to visible supplies, arrivals, etc. It sets commissions and rules for trading. The New York Stock Exchange⁷⁹ dates from 1817. The Chicago Board of Trade⁸⁰ was organized in 1848 and incorporated in 1850. It deals in grains and provisions, both cash and futures. The New York Produce Exchange was organized in 1850 and incorporated in 1862. It deals in grains, flour, hay, lumber, naval stores,

tallow, etc. The New York Cotton Exchange was started in 1870 and chartered in 1871. It deals only in cotton and is mostly a futures market. Coffee, all of which is imported, is dealt in on the New York Coffee and Sugar Exchange. The coffee price is affected not only by ordinary demand and supply factors but by the activities of the Brazilian government, which aims to raise its value. The Commodities Exchange, Inc., has developed future markets in a number of commodities. Separate exchanges were started for rubber, February, 1926, for silk, September, 1928; for tin, December, 1928; for copper, May, 1929; and for hides, June, 1929. These were combined in May, 1933, and in July, 1934, lead and zinc were added. Governmental regulation is provided by the Cotton Futures Act (1916), the Grain Standards Act (1916) and the Security Exchange Act of 1934⁸¹.

The prices for most index numbers are taken from the records of the commodity exchanges which represent the most active markets for the various commodities.

[P. D. Converse, *The Elements of Marketing*.]

JAMES D. MAGEE

Excise. See Internal Revenue.

Exclusion. See Chinese Exclusion Acts; Japanese Exclusion Acts.

Executive, Chief. See President; Governor.

Executive Agent is the term used to denote an agent appointed by the President of the United States without the consent of the Senate for the purpose of conducting negotiations or investigations. The first instance of this type was the request made to Gouverneur Morris by President Washington to go to London as a private agent to investigate certain questions affecting the relations of the United States and Great Britain. The precedent thus set by Washington has been followed by many Presidents. Outstanding examples are the appointment in 1817 of three commissioners by President Monroe to investigate conditions in the revolted Spanish colonies, the mission of Nicholas Trist⁸² to Mexico in 1847, the mission of James H. Blount to the Hawaiian Islands in 1893, the John Lind⁸³ mission to Mexico in 1913, and the mission of Henry L. Stimson to Nicaragua⁸⁴ in 1927.

[J. B. Moore, *International Law Digest*, Vol. IV, pp. 452-57; H. M. Wriston, *Executive Agents in American Foreign Relations*.]

DOROTHY BURNE GOEBEL

Executive Agreements. See Treaties with Foreign Nations.

Executive and Congress. At the time of the formation of the first national and state governments during the American Revolution and later at the Convention of 1787th, which drew up the United States Constitution, there was in the minds of the American people great fear of dictatorship at the hands of the executive power in the Government. This arose from their unfortunate experience with the colonial governors and the more recent misgovernment of George III and Lord North, all of which had led to war and the Declaration of Independenceth. For these reasons the power of the popular legislative body was generally stressed in the state governments. But the Convention of 1787 was well aware of the need for a strong executive due to the near disintegration of our National Government under the Articles of Confederationth. However, they believed it was possible to accomplish both a strong executive and a prevention of dictatorship by means of the doctrine of Separation of Powers or checks and balancesth, which had become largely accepted in theory due to the widespread influence and popular endorsement of the writings of Montesquieu and William Blackstone. The Convention accordingly gave separate and independent powers not only to the judiciary but also to the executive and Congressth. This was with the idea that each department might be balanced against and check the other and especially that Congress, which directly represents the voters, might prevent the executive from becoming a dictatorship and thus endanger the liberties of the people.

The strength of the executive has varied from time to time ever since the days of George Washington, the first President. It has depended in large part at any one time upon the personality of the President, the importance of foreign affairs in which the executive department has a larger authority, or the emergence of critical issues in democratic affairs such as the Civil War and periods of acute economic depression. In general, the history of the past 150 years has been that of a steady growth in the powers of the President, but a growth checked at various times by popular opposition expressed through Congress. The problem of co-operation between the executive and Congress usually has been solved by means of political party strength and influence.

[Woodrow Wilson, *Congressional Government*, and *Constitutional Government*.]

WILLIAM STARR MYERS

Executive Orders, THE, of the President or of an administrative officer are the result of congressional authorization. They cover the issuance of the rules and regulations which fill in the de-

tails for the efficient functioning of some legislative policy. They have the force of law, and until the Hot Oil Decisionth (293 U. S. 388), the authority to issue them had been consistently upheld by the courts. They have covered a wide range of government activities. The multiplicity of executive orders resulting from the legislation of the F D Roosevelt administration stimulated the movement for the publication of a widely distributed Federal Register.

[J. Hart, *The Ordinance Making Power of the President*; J. P. Comer, *Legislative Functions of the National Administrative Authorities*.]

GEORGE C. ROBINSON

Exhibition of the Industry of All Nations, THE (New York City, 1853), better known as the Crystal Palace Exhibition, was the first international exposition held in the United States. Inspired by and imitating London's Crystal Palace of 1851, a group of New York civic and business leaders, led by Horace Greeley, raised the necessary funds; the city leased them Reservoir Square (now Bryant Park). The glass-and-iron structure, built in the form of a Greek cross, contained almost 250,000 square feet. Almost half of the 4854 exhibitors came from twenty-three foreign nations. The opening, set for May 1, came on July 14; many exhibits were not ready until September. This "Iliad of the Nineteenth Century" cost \$640,000 and incurred a deficit of \$300,000, which even P. T. Barnum could not erase. It closed on Dec. 1; efforts to revive it came to naught. The Crystal Palace was itself destroyed by fire on Oct. 5, 1858.

FRANK MONAGHAN

Expansion, in the sense of the extension of territorial boundaries, was a leading *motif* in the thought and policy of the United States at various times from the Revolution to the World War. Its purposes are variously found in the desire to eliminate troublesome or powerful neighbors, to secure the outlets of important rivers, to acquire areas intrinsically valuable for agriculture or the fur trade, to safeguard the existence of slavery or extend its area, to spread democratic institutions or other blessings of American civilization, to acquire railroad or canal routes or naval bases, to secure or protect markets for American manufacturesth.

Leaders of the Revolution attempted to include Canada in their confederation. The conquest of Canadath was an important motive of the War of 1812; and talk of peaceably acquiring it was common until long after the Civil War. Cubath, because of its strategic position, and later because of its relation to slavery, was an object of desire to American statesmen from Jefferson

to Buchanan. The control of river mouths was a leading consideration in the prolonged effort to acquire Florida and in the acquisition of Louisiana⁹⁹. (See also Annexation of Territory)

Fear of England, combined with the wish for a frontage on the Pacific and sublime faith in the destiny of American institutions (see Manifest Destiny), largely motivated the annexations accompanying the War with Mexico. Expansionist projects in the 1850's, looking toward Cuba, Mexico and Central America, though denounced as measures of the "slavocracy," aimed also at the control of isthmian transit and the prevention of European intervention. The desires of Seward and Grant to acquire the Virgin Islands and the Dominican Republic met with insuperable opposition in Congress, but this did not prevent the purchase of Alaska⁹⁹. Public opinion, aroused by nationalistic, jingoistic, religious and humanitarian propaganda, and supposed commercial opportunities in the Far East (see Imperialism), supported the acquisition of a colonial empire in the 1890's. After the World War came disillusionment and a policy of contraction exemplified by the grant of independence to the Philippines⁹⁹ and the surrender of sundry Caribbean protectorates.

[J. W. Pratt, *The Ideology of American Expansion*, in A. Craven, ed., *Essays in Honor of William E. Dodd*.]

JULIUS W. PRATT

Expatriation is the right of a citizen to transfer his allegiance and claim to protection from one sovereign to another. The English common law denied this right, except with the consent of the government. The United States followed this strict rule until 1868, when Congress declared expatriation to be a "natural and inherent right of all people." Both as Secretary of State and President, Buchanan insisted that when a naturalized foreigner returned to his native country he did so only as an American citizen and that he might be protected against any attempt by his native country to punish him for an offense, such as evasion of military service, not committed before migration to the United States. Recently, this extreme position has been abandoned.

Not until 1907 did the United States first define the conditions for expatriation. The circumstances are, generally: naturalization⁹⁹ in a foreign State; taking an oath of allegiance to a foreign State; residence of a naturalized citizen in a foreign country; and desertion from army or navy. Until 1934 an American woman marrying an alien automatically lost her citizenship, but now only if she specifically renounces it. None may expatriate himself in time of war. Today, a majority of states accept naturalization as

an automatic release from citizenship, while others provide that citizenship is lost only when consent of the State is obtained or military service performed; others refuse to naturalize aliens until they have obtained consent of their State.

Since in some States nationality can be lost through permanent departure, "expatriates" include people who voluntarily exile themselves to share foreign cultural surroundings. Expatriation, in this sense, is a condition of mind. Some seek relaxation—retirement where the superior purchasing power of the dollar secures a comfortable existence; some writers and artists seek to exchange the standardization and pressure of American life for the "fuller life" of the Continent, association with the ever-present sense of the past—the mellow glow of centuries. These people hope for the stimulus of strange surroundings, the irresponsibility that accompanies the status of an outsider, and freedom from conventional restrictions and competitive pressure. This form of expatriation is an escape mechanism—a substitute for achievement, by which the struggle with life can be avoided or softened.

[Charles G. Fenwick, *International Law*; Amos S. Hershey, *The Essentials of International Public Law and Organization*.]

DONALD G. BISHOP

Expenditures, Federal. The Constitution of the United States provides, in Article I, Section 9, that "No money shall be drawn from the Treasury, but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time." With this exception, there is no constitutional limitation on Federal expenditures. In practice, it has been demonstrated that the money derived by the Federal Government from taxation or borrowing may be spent for any purpose for which it has been made available by an act of Congress.

When the Federal Government began its operation under the Constitution, its functions were comparatively few and its expenditures were small. As new functions were added and old functions were expanded, Federal expenditures were vastly increased. Thus in 1791, when money was spent only for the army, interest on the public debt, Indians, pensions, foreign intercourse and the salaries of the government personnel, the expenditures amounted only to \$3,097,000. But in the fiscal year 1938, with vastly increased amounts spent for the purposes mentioned and great sums spent for such items as agricultural subsidies, social security, public works and unemployment relief⁹⁹, the expenditures totaled \$7,766,374,000. The per capita expendi-

ture, which was only about seventy-six cents in 1791, amounted to approximately fifty-nine dollars in 1938.

Wars have been the chief factor in causing Federal expenditures to rise. The peak expense during the War of 1812 was \$34,720,000, reached in 1814. The greatest expenditure during the Mexican War was \$54,920,000 in 1847. Expenditures of the Civil War period reached their peak of \$1,295,099,000 in 1865. The peak of expenses, due to the Spanish-American War, was reached in the fiscal year 1899 when the total was \$605,071,000. The high point of expenditures during the World War period was reached in the fiscal year 1919, when the total was \$18,939,532,000. Following each of these wars, the expenditures fell markedly, but failed to drop even close to the prewar figures. For example, the expenditures in 1916, just before the United States entered the World War, amounted to \$724,413,000. Following the war, the expenditures never fell below \$3,506,677,715, the figure for the fiscal year 1924.

Until the period of the depression, beginning in 1929, the Federal Government incurred no expenditures for aid to business or to unemployed persons during periods of economic distress. Consequently, no increase in expenditures can be traced to such economic emergencies as those of 1837, 1857, 1873 or 1893 (*see Panics*). In contrast, extraordinary pump-priming⁹⁹ expenditures amount to an estimated \$27,797,000,000 from 1931 through the fiscal year 1940. This figure, it should be noted, does not include the expenditures for either the agricultural adjustment program or the social security program.

The increase of Federal expenditures, by decades, is indicated by the following chart:

| Year | Expenditures |
|------|---------------|
| 1791 | \$3,097,000 |
| 1801 | 9,393,000 |
| 1811 | 8,178,000 |
| 1821 | 15,849,000 |
| 1831 | 15,237,000 |
| 1841 | 26,482,000 |
| 1851 | 47,751,000 |
| 1861 | 66,650,000 |
| 1871 | 283,160,000 |
| 1881 | 259,650,000 |
| 1891 | 355,372,000 |
| 1901 | 509,966,000 |
| 1911 | 654,138,000 |
| 1921 | 4,322,210,000 |
| 1931 | 4,091,597,000 |
| 1938 | 7,766,374,000 |

[David Rich Dewey, *Financial History of the United States*; *World Almanac*, 1939.]

ERIK MCKINLEY ERIKSSON

Experiment Stations. *See* Agricultural Experiment Stations.

Explorations, Land (Official). *See* Lewis and Clark Expedition; Pike's Expedition to the Upper Mississippi; Pike's Southwestern Expedition; Long's Explorations, Yellowstone River Expeditions, Frémont Explorations; Stevens' Railroad Survey.

Explorations, Polar. *See* Polar Expeditions.

Explorations, Scientific-Marine. *See* Wilkes Exploring Expedition, Ringgold-Rodgers Exploring Expedition; Maury's Charts.

Explorers, Unofficial. From the earliest period of American settlement private interest induced expansion beyond authorized exploration. The back country⁹⁹ became the refuge of the independent and the lawless, and there were numerous unrecognized settlements, such as that of John and Samuel Pringle on the Buckhannon River after their desertion from Fort Pitt⁹⁹ in 1761, and the Watauga⁹⁹ settlement of James Robertson and John Sevier. Famous among early venturers across the Alleghenies was Daniel Boone, who made known Cumberland Gap and the Wilderness Road⁹⁹. Simon Kenton ranged over much of the Old Northwest⁹⁹, later rendering important military services. Not all early explorers were unlettered frontiersmen; William Bartram, botanist, wrote of his travels, 1773-78, through the Carolinas, Georgia and East and West Florida⁹⁹, and John James Audubon combed the wilderness for his *Birds of America*, as later George Catlin⁹⁹ sought the Indian. Gurdon Hubbard marked the trail from the Wabash to Fort Dearborn⁹⁹.

The official expedition of Lewis and Clark⁹⁹ made use of the findings of its unofficial predecessors; John Colter left it to trap, and was first to see Yellowstone Park, Green River⁹⁹ and Jackson Lake. Meanwhile, the Columbia River⁹⁹ had been discovered by Robert Gray, 1792, for a trading company. Manuel Lisa⁹⁹ went as far as the Big Horn, and raced with Wilson Price Hunt's Astorians⁹⁹ over a section of the Oregon Trail⁹⁹, 1811-12. John Day, of Hunt's party, has left his name prominently on the map, as have Jacques Laramie and Bill Williams.

William Henry Ashley's⁹⁹ fur trading ventures, beginning in 1822, enlisted many of the "Mountain Men"⁹⁹: Andrew Henry, first to trap west of the Rockies; James Bridger, discoverer of Great Salt Lake⁹⁹; Jedediah Strong Smith⁹⁹, first to cross the Utah-Nevada deserts to California and the Sierra Nevada on his return; Joseph Reddeford

Walker^{tr}, first to cross the Sierra Nevada from the east, who discovered Yosemite and left his name on Walker Lake and Walker's Pass; Thomas Fitzpatrick, guide of notable expeditions, William L. Sublette of Sublette's cutoff on the Oregon Trail, and Etienne Provost, who led independent trappers to the Uinta and Wasatch mountains.

The Santa Fé Trail^{tr} was opened by William Becknell, Missouri trader. Antoine Robidou built Fort Robidou or Uinta^{tr} in the Uinta Valley (Utah), 1832, a famous rendezvous. Ewing Young was an early Taos^{tr} trapper and Oregon pioneer. Ceran St. Vrain and Charles and William Bent bartered with trappers and Indians. "Kit" Carson guided Frémont^{tr} and other military explorers. John Bidwell went with the first emigrants to California and William L. Manly's train crossed Death Valley^{tr}. The missionaries Jason Lee, Marcus Whitman and Pierre-Jean DeSmet made known much of the Northwest.

Prospectors also contributed largely to knowledge of America. Charles D. Poston and Herman Ehrenberg explored the Gadsden Purchase^{tr}, 1854. Allen and Hosea Grosh discovered the Comstock Lode^{tr} (Nev.), 1854; Green Russell, Auraria^{tr} (Colo.), 1858; Bill Fairweather, Alder Gulch^{tr} (Mont.), 1863; and Ed Schieffelen, Tombstone^{tr} (Ariz.), 1877.

John M. Bozeman opened the Bozeman Trail^{tr} from Fort Laramie to Virginia City, 1864. Jesse Chisum or Chisholm established the Chisholm Trail^{tr}, 1866, one of several used in the heyday of the range cattle industry.

[E. Douglas Branch, *Westward*; W. J. Ghent, *The Early Far West*; R. G. Thwaites, *Early Western Travels and Rocky Mountain Exploration*.]

DON RUSSELL

Export Debenture Plan. During the decade 1920-29 several bills, notably the McKinley-Adkins, the Jones-Ketcham and the McNary-Haugen^{tr} bills were introduced into Congress sponsoring an export debenture plan. The essential principle of this plan was the payment of a bounty on exports of certain farm products in the form of negotiable instruments, called debentures, which could be used in paying customs duties. The premise of these bills was that farm products would not be sold to domestic purchasers for less than the export price plus the bounty, and that as a consequence the farmers would be able to sell the whole of their marketed crop at prices higher than otherwise would obtain. Opposed as futile price-fixing schemes, none of these bills have become law.

[J. S. David, *The Farm Export Debenture Plan*.]

FRANK PARKER

Export-Import Banks, THE. The First Export-Import Bank of Washington was created by executive order and chartered in the District of Columbia, Feb. 12, 1934, with a capital of \$1,000,000 common stock subscribed for out of funds provided under the National Industrial Recovery Act, and \$10,000,000 (later increased to \$20,000,000) preferred, subscribed by the Reconstruction Finance Corporation^{tr}. Originally designed to facilitate trade with Russia, it soon altered its policy to aid in promoting foreign trade generally by the granting of short-term, intermediate, and long-term credit. Its operations are supplementary to existing private facilities. The bank is primarily under the joint direction of the Secretaries of State and Commerce though there are eleven officials on its board of trustees. The Second Export-Import Bank, organized (March, 1934) to finance the purchasing and minting of silver for Cuba, was dissolved in June, 1936, and its assets and liabilities were assumed by the First Bank.

[*United States Government Manual*, 1937.]

HARVEY PINNEY

Export Taxes were used by the American colonies and by England to raise revenue, and often in more recent times by countries in which one or two industries are the backbone of the national economy as, for example, Chile's use of an export tax on nitrates prior to 1931. Such taxes share most of the faults and virtues of import duties and are, objectively viewed, a legitimate part of the revenue powers of any state. But it appeared to some delegates at the Constitutional Convention^{tr} (notably Pinckney of South Carolina) that the ease with which the Government could raise money by taxing exports would tempt it to select for taxation the large-scale exports of a few states, with consequent inequality. In the end the power to tax exports was prohibited in the Constitution (Art. I, Sec. 9) by a vote of seven (Massachusetts, Connecticut, Maryland, Virginia, North Carolina, South Carolina, Georgia) to four (New Hampshire, New Jersey, Pennsylvania, Delaware). Subsequently, by Art. I, Sec. 10, the Convention withheld this power from the states.

[George T. Curtis, *History of the Constitution of the United States*.]

FRANK A. SOUTHARD, JR.

Exports. See Trade, Foreign.

Expositions. See Alaska-Pacific-Yukon Exposition; Centennial Exposition; Century of Progress International Exposition; Cotton States and International Exposition; Exhibition of the In-

dustry of All Nations; Fort Worth Frontier Centennial Exposition; Golden Gate International Exposition; Great Lakes Exposition-Cleveland Centennial; Hudson-Fulton Celebration; Jamestown Exposition; Lewis and Clark Exposition; Louisiana Purchase Exposition; Midwinter International Exposition; New York World's Fair; Pan-American Exposition; Panama-Pacific International Exposition; Sesqui-Centennial International Exposition; South Carolina Interstate and West Indian Exposition; Southern Exposition; Tennessee Centennial Exposition; Texas Centennial Central Exposition; Trans-Mississippi Exposition; World's Columbian Exposition; World's Industrial and Cotton Centennial Exposition.

Expunging Resolution. When a legislative body wishes to express its disapproval of some action previously taken by it or by its predecessors in office, a resolution is passed requiring the clerk to expunge or erase the offending action from the record of its proceedings. Expunction is accomplished by drawing a heavy line around, but not through, the matter to be deleted, and writing an explanation of the action taken in the margin of the page.

HARVEY WALKER

Extra Sessions. The President is empowered by Article II, Section 3 of the Constitution⁷⁰, "on extraordinary occasions" to "convene both Houses, or either of them." Congress has been so called on twenty-four occasions up to 1938. The Senate alone had been convened forty-six times during the same period, usually to confirm appointments made by a newly inducted President. With the adoption of the Twentieth Amendment⁷¹, changing the date of inauguration of a new President as well as the date of convening the regular sessions of Congress, the need for extra sessions will be much less pressing.

In each of the states the governor has power to convene special sessions of the state legislature. Since all but five of the state legislatures meet biennially, instead of annually like Congress, the need for the exercise of the power to call special sessions in the states is far greater than in the National Government. Many of the governors are permitted to limit the subjects to be considered by a special session by specifying the purpose of the meeting in their call. Neither in the National Government nor in the states may a special or extra session be held on call of the members of the legislative body.

In cities special sessions of the city council are of small significance. Regular meetings are held so frequently (weekly or monthly) that ex-

tra sessions are not needed for the transaction of ordinary business. On extraordinary occasions the mayor or president of the council may call the members together.

[Harvey Walker, *Law-Making in the United States*; Robert Luce, *Legislative Assemblies*.]

HARVEY WALKER

Extradition is the process through which one sovereign government secures from another the person of a fugitive from justice. In the United States the term has two different applications. First, it is used to denote the process by which the National Government of the United States requests the return of a person who is accused of violating a national or state law from some foreign country in which he has been found. Such requests are made only under definite treaty arrangements which usually establish reciprocity in such matters. Thus, the return of Samuel Insull from Greece in 1932 to stand trial in Illinois was retarded by the absence of an adequate extradition treaty between the United States and Greece.

The second meaning of extradition in this country refers to Article IV, Section 2 of the Constitution⁷² of the United States which provides that "A person charged in any state with treason, felony or other crime, who shall flee from justice, and be found in another state, shall, on demand of the executive authority of the state from which he fled, be delivered up, to be removed to the state having jurisdiction of the crime." This provision, although apparently mandatory, has been held by the United States Supreme Court to be discretionary (24 How. 66). The duty of the governor of the state of refuge is moral, not legal.

A request for extradition, or interstate rendition as it is often called, is made by the governor of the state in which the crime was committed. A copy of the indictment or information is attached to the extradition papers. The governor of the state of refuge may grant the request at once, or he may hold a hearing to examine into the facts. After the hearing he may grant or deny the request. The usual grounds for denial are that the act complained of is not a crime in the state of refuge, or that the accused will not receive a fair trial if returned, or that the person sought to be extradited has become an upright citizen. No reason need be alleged.

[J. M. Mathews, *The American Constitutional System*; J. B. Moore, *A Treatise on Extradition and Interstate Rendition*.]

HARVEY WALKER

Extraterritoriality, Right of. Exemption from

local jurisdiction has been conceded by Oriental countries to nationals of Western states because of diversities in law, customs and social systems. As a result, extraterritorial courts have been set up to administer Western law. Treaties with the Turkish suzerainties of Morocco, Tripoli, Tunis and Algiers had already given the United States modified privileges of extraterritoriality when the Treaty of 1830 between the United States and Turkey conferred upon American citizens exemption from Mohammedan law. Americans have enjoyed consular jurisdiction in Egypt by virtue of this treaty, in 1873 the United States participated with Great Britain, France, Germany and other powers in creating the mixed courts at Alexandria and Cairo.

The United States obtained extraterritorial privileges in China in 1844 (*see* Cushing's Treaty), and in 1858 similar privileges in Japan. The United States also received consular jurisdiction in Muscat (1833), Siam (1833) and Persia (1856). Americans joined the British in forming the Foreign Settlement at Shanghai in 1863, establishing a municipal administration exempt from Chinese jurisdiction. In 1906 the United States Court for China was established.

As states which have been obliged to grant extraterritoriality have grown in strength, they have sought to rid themselves of the inferior position implied by the grant. The United States has played a leading role in assisting such states in their efforts. As early as 1872 the United States encouraged Prince Iwakura in the legal reforms precedent to a revision of the Japanese treaties. New penal, civil and commercial codes were adopted, a modern system of courts was created, and feudal justice made way for enlightened jurisprudence. The United States in 1889 led the way in the negotiation of a treaty, never submitted to the Senate, abolishing consular jurisdiction. Finally, following Great Britain's lead in 1894, the United States signed a treaty with Japan abolishing extraterritoriality. The United States also aided China in similar efforts, with the result that the powers at the Washington Conference⁷⁰ (1922) provided for a commission which met at Peking in 1926, during civil disturbances. It went no further than to recommend improvements in the administration of Chinese justice pending the abolition of extraterritoriality. In 1937, the United States joined with other powers in abolishing the capitulatory regime in Egypt.

[F. E. Hinckley, *American Consular Jurisdiction*; F. C. Jones, *Extraterritoriality in Japan*; J. B. Moore, *Digest of International Law*.]

KENNETH COLEGROVE

Ezra Church, Battle of (July 28, 1864). In order to halt Sherman's (U.) continued southward turning movements and prevent seizure of his supply railroad, Hood (C.), defending Atlanta⁷¹, ordered S. D. Lee's (C.) corps to attack. The opposing forces met, unexpectedly, near Ezra Church. Neither side could gain any advantage. At nightfall Lee withdrew into the Atlanta defense line. Sherman continued his southward turning movement.

[*Battles and Leaders of the Civil War*, Vol. IV.]

THOMAS ROBSON HAY

F. F. V., the initials of First Families of Virginia, a term first used more or less satirically in the North in the 19th century to denominate those aristocratic families of Virginia who were proud of their descent from the early settlers of the colony. It has been popularly supposed that these great landowners were all descended from British nobility; but genealogists have pointed out that only a few families, such as Wyatt, Throckmorton, Peyton and Fairfax, could claim any close relationship with the peerage. Many others were either more remote connections, or were simply of the English county squirearchy or prosperous merchant class; while a few of the original F. F. V. ancestors were even plebeian, poor and of unknown origin when they landed in Virginia.

[Dixon Wecter, *The Saga of American Society*.]

ALVIN F. HARLOW

Factors and Factorage. *See* Commission Merchants and Factors.

Factory Management. *See* Industrial Management.

Factory System, The Indian, is the name given to the chain of government-owned and -operated stores which existed from 1795 to 1822. During this period twenty-eight trading posts were established, but only seven or eight were extant at any given time. The first stores were established at Coleraine, Ga., and Tellico, Tenn. The most important ones were those located at Detroit, Fort Wayne, Mackinac, Green Bay, Prairie du Chien, Chicago, Chickasaw Bluffs and Natchitoches.

The idea of winning the good will of the Indians by supplying them with goods from official stores originated in the colonial period. Massachusetts maintained such stores for a time, and in 1753 Franklin recommended that Pennsylvania establish a similar system. In 1775 the Continental Congress⁷² appointed a committee to

devise a factory system. In 1793 Washington recommended the establishment of a series of trading posts where Indians could secure goods at cost. The purposes of the factory system were (1) to strengthen military policy, (2) to promote peace on the frontier, (3) to protect the Indians against exploitation by private traders and (4) to offset the influence of the British and the Spanish over the Indians.

The factors sent in their orders for goods to the superintendent of Indian trade, whose office was at Philadelphia until 1808, when it was moved to Georgetown. The superintendent bought the goods in open market or by bids, and shipped them to the factors. The principal distributing points were Detroit, St. Louis and New Orleans. The factors sold the goods to the Indians and received in exchange furs, skins, bear oil, beeswax and other native produce. These furs and produce were shipped to the superintendent, who sold them at auction or in foreign markets. Many difficulties arose. Freight rates were excessively high; delays were constant; the superintendent was limited to the domestic market in making his purchases and, as a result, frequently secured goods of inferior quality; skins and furs were often improperly treated, resulting in considerable losses; and the factors were forced to disobey instructions and sell on credit, thus creating many losses due to bad accounts.

The factory system was never accepted as a permanent policy. Congress seldom assured its existence for longer than a two-year period. The superintendent and factors were thus unable to make plans for the future. Private traders, Indian agents⁷⁰, the great fur companies, designing Indians, and frontier merchants⁷¹ were opposed to it. In spite of its worthy purpose and the integrity and energy of the superintendents, it was unable to effect any great saving for the Indian. Opponents circulated false stories and eventually secured its overthrow. Sen. Thomas H. Benton, inspired by the fur companies and traders of Missouri, led the fight for the abolition of the system. The laws relating to its establishment and maintenance were repealed in 1822.

[Edgar B. Wesley, *Guarding the Frontier*.]

EDGAR B. WESLEY

Fair Labor Standards Act, THE, popularly known as the Wages and Hours bill, approved June 25, 1938, culminated several years' endeavor for Federal regulation of hours and wages. The Black-Connery thirty-hour bill, passed by the Senate, was superseded by the National Industrial Recovery Act of 1933⁷², which regulated competitive wages and hours under industrial

codes. The Supreme Court in 1935 ended this measure (*see* Schechter v. U. S.). Encouraged by the Supreme Court's later liberal rulings, President F. D. Roosevelt in 1937 urged a Federal wage and hour law. The proposal precipitated controversy between Northern and Southern interests. Southern employers wished existing differentials between Northern and Southern wages to be recognized; Northern industry opposed this position.

The act, as passed, created a Wage and Hour Division in the Department of Labor⁷³, headed by an Administrator, it applies in industries producing goods for interstate commerce. For the first year a minimum wage of twenty-five cents an hour was established, the second year, thirty cents; and forty cents is to be sought within the following six years. Committees, appointed by the Administrator, are to determine and recommend feasible rates between the thirty and forty cents range for each industry. Committees may consider possible effects of proposed wages upon employment. Geographical differentials are not recognized, but local differentials are permitted. Child labor⁷⁴ under sixteen, and under eighteen in hazardous occupations, is forbidden. The act provides that employers shall not require above a forty-four-hour week during the first year; for the second, forty-two hours; and thereafter forty hours. Time-and-one-half pay is required whenever hourly limits are exceeded. Certain industries and workers are exempt. The act took effect late in 1938 with little or no industrial difficulty.

[A. G. Taylor, *Labor Problems and Labor Law*; *U. S. Labor Information Bulletin*, July, 1938.]

HERBERT MAYNARD DIAMOND

Fair Oaks, or Seven Pines, Battle of (May 31-June 1, 1862). The action at Williamsburg⁷⁵ on May 5, 1862, slowed McClellan's (U) march up the Virginia peninsula on Richmond. Events in the Shenandoah Valley (*see* Jackson's Valley Campaign) caused the wildest excitement in Washington; McClellan's repeated pleas for more troops were ignored. Union interests called loudly for successful action. McClellan was constantly urged forward. By May 27 his army was concentrating in the vicinity of Fair Oaks Station, about ten miles east of Richmond. J. E. Johnston (C.), knowing of McClellan's expectation of heavy reinforcements, resolved to strike before they could arrive.

The attack began piecemeal, in driving rain, on May 31. Confusion, misunderstanding of orders, and lack of effective staff work prevented proper advantage being taken of initial successes.

The fight, first on one wing and then on the other, continued with alternating advance and retreat throughout the day and into the night. About sunset Johnston was wounded and carried from the field. G. W. Smith succeeded him. The Confederate attack was renewed early the next day in the hope of cutting McClellan's line of communications up the peninsula, but with little chance of success. At the close of the day the Confederates retired to prepared positions to await McClellan's next move (*see* Peninsular Campaign). Each side had used over 40,000 men. The Union loss totaled over 4400, the Confederate, about 6000.

In the midst of the fighting on June 1, President Davis (C) placed R. E. Lee in command of the Confederate Army, which, henceforth, was to be known as the Army of Northern Virginia^m.

[D. S. Freeman, *R. E. Lee; Battles and Leaders of the Civil War*, Vol. II.]

THOMAS ROBSON HAY

Fair Trade Laws. *See* Price Maintenance.

Fairfax Courthouse. *See* Chantilly, Battle of.

Fairfax Proprietary, THE, rested upon a patent issued by James II to Lord Culpeper in 1688, in pursuance of precedents and in fulfillment of obligations extending back to 1649, but counter to the strongly articulated wishes of the inhabitants of Virginia. The patentee was given rights to the soil in the region lying between the Rapahannock and Potomac rivers and might make grants of land and collect quitrents^m just as the crown did elsewhere. For purposes of government, however, the "Northern Neck" remained an integral part of Virginia. Following the death of Lord Culpeper in 1689, the proprietary passed through his daughter Catherine to her son Thomas, sixth Lord Fairfax of Cameron.

Westward expansion of settlement naturally precipitated an acute controversy as to the true purport of a grant which reflected the customary royal ignorance of American geography, but in 1745 a committee of the Privy Council^m reached a decision whereby proprietary rights over a vast area of more than 5,000,000 acres, including much of the best land in Virginia, were confirmed to Lord Fairfax. The latter, who had visited America in 1735 to safeguard his interests, returned in 1747 and took up his permanent residence at Greenway Court in the Shenandoah Valley. The American Revolution naturally reopened the question of his rights, but Fairfax, while declining to swear allegiance to the new state, held aloof from the conflict and was not molested. A year after his death in 1781, however, the Vir-

ginia assembly sequestered the quitrents of the Northern Neck, and in 1785 abolished them, together with the other seigniorial rights of the proprietors.

The Definitive Treaty of Peace^m (1783) having prohibited further confiscation of Loyalist^m property, and Virginia having pledged her adherence to this provision, the Fairfax heirs contended that the act of 1785 could not affect their title to lands held in fee, for against these no proceedings had been initiated in 1782. For a decade the matter hung fire. Eventually, in 1793, a syndicate represented by John Marshall undertook to acquire the interest held in fee under the Fairfax title. In 1796 a compromise was reached whereby the state was to relinquish claim to all lands specifically appropriated by Lord Fairfax to his own use either by deed or actual survey, and was in turn to be ceded all lands which were "waste and unappropriated" at the time of the death of Lord Fairfax. Subsequent litigation (*see* Martin v. Hunter's Lessee), while of considerable constitutional significance, did not materially modify this settlement.

[H. C. Groome, Northern Neck Lands, in *Fauquier Historical Society Bulletin*, No. 1]

LEONIDAS DODSON

Fairs. *See* County Fairs; Expositions; State Fairs.

Fajardo (Foxardo) Case, THE, arose in October, 1824, during the American campaign against pirates^m in the West Indies. The Spanish alcalde of Fajardo, Puerto Rico, insulted and imprisoned Lt. C. T. Platt, of the *Beagle*, when he landed to trace goods stolen from the American consul at St. Thomas. The squadron commander, David Porter, sent seamen and marines ashore, spiked a battery thrown across the road to the town, and secured an abject apology. Although Spain did not protest, the Navy Department, hostile to Porter, ordered a court-martial and suspended him for six months. This caused Porter to resign from the Navy.

[G. W. Allen, *Our Navy and the West Indian Pirates.*]

WALTER B. NORRIS

Falkland Islands, THE, became the subject of a prolonged controversy between the United States and the Argentine Republic when the latter, in pursuit of claims over the islands as heir of Spain, seized, in 1831, three American sealing and whaling vessels. Unduly strong remonstrances from the American representative in Buenos Aires, and an unauthorized attack by Commander Silas Duncan of the U. S. S. *Lexington* on the Argentinian colony of Puerto Soledad

in the Falklands, aggravated the situation. It was in these circumstances that President Jackson's government made no protest when Great Britain in 1833, over the protests of the Argentine Republic, took possession of the Falkland Islands on the basis of 18th-century claims. The Monroe Doctrine⁹⁹ was held not to be involved, as its terms excluded retroactive application. The Argentine Republic continued to contest British sovereignty, and the United States refused, as late as 1886, to consider Argentinian claims for the losses occasioned by the raid of the *Lexington*.

[Julius Goebel, Jr., *The Struggle for the Falkland Islands*; Vera L. Brown, *Anglo-Spanish Relations in America in the Closing Years of the Colonial Era*, *Hispanic American Historical Review*, August, 1922.]

VERA BROWN HOLMES

Fall Line, THE, is the line of junction of the tidewater⁹⁹ region of eastern United States and the Piedmont⁹⁹ or foothill region to the westward. Falls which mark the eastward passage of the streams across the line give it its name and much of its historical significance. The obstruction to navigation afforded by the falls rendered the Piedmont region less accessible to European commerce and influence than the tidewater region. When in the early part of the 18th century, due to the pressure of population below the falls, colonization of the upland region began, radical readjustments in modes of life were rendered necessary, justifying its being called the first American frontier. At the falls in the more important rivers crossing the line, cities grew up to which products of the Piedmont region were hauled or barged for shipment abroad. Examples of such cities are Richmond, Fredericksburg and Petersburg in Virginia, Raleigh in North Carolina and Camden and Columbia in South Carolina.

[U. B. Phillips, *Life and Labor in the Old South*.]

J. HARLEY NICHOLS

Fallen Timbers, Battle of (Aug. 20, 1794). When Wayne⁹⁹ set out from Fort Greenville⁹⁹ on July 28, 1794, on his march against the Indians, conditions in the Northwest Territory⁹⁹ were in an uncertain state. Jay's Treaty⁹⁹ was still unsigned and the border forts were still in British hands. The Indians, elated by their defeats of Harmar and St. Clair⁹⁹ and encouraged by their British allies, were hopeful of defeating the Americans and driving them out of the country. Every obstacle was raised against Wayne's repeated proffer to negotiate questions in dispute, and the situation was only aggravated by an Indian attack on Fort Recovery⁹⁹.

Wayne, his army in a disciplined state and re-

enforced by Kentucky volunteers, decided to move. The British and Little Turtle, the Indian leader, warned of Wayne's advance, hastily gathered the scattered Indians. By mid-August about 1300 braves were assembled in northwest Ohio at the Rapids of the Maumee in a region called Fallen Timbers because of the large number of fallen trees in the vicinity. Less than 800 Indians were engaged in the two-hour battle of Aug. 20, in which Wayne decisively defeated and dispersed his opponent. This victory paved the way for the frontier enforcement of Jay's Treaty and the British evacuation of the border forts⁹⁹.

[R. C. Downes, *Frontier Ohio*; Thomas Boyd, *Mad Anthony Wayne*, S. F. Bemis, *Jay's Treaty: A Study in Commerce and Diplomacy*.]

THOMAS ROBSON HAY

Falling Waters, Skirmish near. Lee, retreating from Gettysburg⁹⁹, entrenched north of the swollen Potomac, around Williamsport, Md. His army crossed at Falling Waters, July 13-14, 1863. The rear guard, Heth's division of Hill's corps, was attacked by Buford's and Kilpatrick's cavalry divisions and Gen. Pettigrew was killed. The Federals captured several hundred prisoners, but Heth's division retired safely into Virginia.

[*Official Records, Union and Confederate Armies*, Vol. XXVII, Parts 1, 2.]

JOSEPH MILLS HANSON

Falmouth, Burning of (Oct. 18, 1775), by the British, was one of the first acts of violence in the Revolution. Described by contemporary historians as "wanton" and "cowardly," this act was part of the British Admiralty plan to cripple seaport towns and punish rebels for openly giving aid to Continental troops in the besieged town of Boston. On Oct. 16 Capt. Henry Mowat, in command of the *Canceaux*, sailed into Falmouth harbor in Casco Bay, accompanied by three other armed ships, and demanded the surrender of the town. Unable to come to terms with the inhabitants, early in the morning of Oct. 18, the town was fired after the townspeople had withdrawn. By night Falmouth, largest of the eastern towns in wealth and population, was virtually reduced to ashes.

[C. E. Banks, *The Destruction of Falmouth in 1775 and the Responsibility Therefor*, *Maine Historical Society, Collections and Proceedings*, 2nd series.]

ELIZABETH RING

Family, THE. The history of the American family is that of a social institution, European in form and tradition, functioning in the American setting and reflecting in its development both the environmental influences of the New World and the changing conditions of Western civili-

zation. The type of family organization that became dominant from the beginning was English in origin and middle-class in sentiment. During the colonial period, however, we do not find family life in America, aside from its commitment to monogamy, assuming uniformity. Instead, it reveals great variability, stressing religious, class and sectional differences, and showing itself in the principles and enactments of law, theological dogma and preaching, and domestic practices and tradition. Increasingly, as the native culture unfolds, we find three familial patterns shaping themselves—the Northern, the Southern and the Western. The first had its most distinct form in Puritan New England, the second in Virginia and the third on the frontier.

From the beginning of permanent settlements the effect of the distance between the New and the Old World showed itself in a lessening of the cultural dominance of the old over the new. This growth of indigenous culture registered especially in household economy, domestic practices and attitudes. By the time of political separation from the motherland family life had become in this country as characteristic as any aspect of American civilization.

Meanwhile, the influence of the frontier was bringing forth the type of family that not only had broken from European traditions but also was increasingly departing from the standard familial patterns of the older, more populated Eastern communities, both North and South (*see* Family, Frontier). The pioneer movement of individualistic, democratic-minded men and women away from the more conservative communities into the wilderness weakened the patriarchal traditions that had been imported from Europe and led to the development of economic and social conditions which encouraged greater equality of the sexes both within and without the family. The trend was accelerated once the drift of people westward appeared over the Appalachian Mountains and spread rapidly through the Middle West. The most noticeable result of these changes must be found in the inward spirit and intimate relationships of the home, but the family in all its aspects as a social institution responded to the social life of the frontier.

The most unorthodox forms of marriage and of family that appeared in this country were the group marriage scheme of the Oneida Community (1848–81) and the polygynous system that for a time was permitted by the teaching of the Church of the Latter-Day Saints (Mormons)²²².

The institution of the family in this country, as it has reacted to conditions peculiar to the growth of the nation, has also felt forces that

were worldwide in their sweep, products of the complex and rapid-changing modern civilization. The result has been a family instability, which is only in part measured by the fact that the United States has the highest ratio of divorces²²³ to marriages of any nation.

If the number of divorces since 1867, the beginning of our statistical information, is arranged in five-year periods, so as best to show the trend, it is apparent that the increase in divorces has been consistent and rapid. Annulments and desertions, the latter estimated to be about one-fourth the number of divorces, and unsuccessful suits for divorce, provide additional evidence of the great amount of domestic dissatisfaction in the United States. It is generally recognized that the causes of this are to be found in social changes that have been taking place, the rise of factories, the swing from a culture predominantly rural to one urban, the increase of individualism, the spread of rationalism, a lessening of the influence of religion, the greater freedom and equality of women and the coming of a public opinion more tolerant of confessions through divorce of marriage failure. The American family also reveals the decreasing birth rate which seems everywhere to accompany urbanization.

Although the instability of the American family is interpreted by some as a breaking down of the social institutions, it seems safer to interpret it as a consequence of changes accompanying, in a period of transition, the attempt to adjust to modern life. From this viewpoint the family is being established on a democratic basis, is discovering affection as its motive, rather than economic need; is learning to farm out obligations and activities that it once monopolized, especially in the care and education of children, and is developing a domestic code and routine which permits careers for women as well as for men.

Whatever the meaning of these present trends, they are socially disturbing and a source of much of the prevailing domestic incompatibility. The legal system in the field of domestic relations has fallen behind the need of new definitions of the rights and obligations of husbands and wives; the delay of marriage experience by many youth, on account of economic or educational obstacles, has brought about courtship problems and emotional unrest, the childless family, socially accepted, is competing with the one-time orthodox parent-child form of home; birth control²²⁴, either the natural (rhythm) or the contraceptive method, widely practised and increasingly approved, is having a dysgenic influence on reproduction; domestic dissatisfaction is showing itself in protest against the economic insecurity of the family

and the difficulty of maintaining or lifting its standards of living.

One of the constructive features of recent American family life has been the development of interest in child care and child training, leading to study clubs, high school and college courses in the family and, most recently, in many colleges and universities instruction in preparation for marriage.

[Arthur W. Calhoun, *A Social History of the American Family from Colonial Times to the Present*; Willystine Goodsell, *A History of Marriage and the Family*, Ernest R. Groves, *The American Woman: Feminine Side of a Masculine Civilization*; J. P. Lichtenberger, *Divorce, A Social Interpretation*.]

ERNEST R. GROVES

Family, The Frontier, in the timber area lived in a half-faced camp until the log cabin⁹⁹ was built in the clearing. Trees were deadened and corn planted with a suck. Cattle and hogs ran free in the forest.

Farther west, on the prairie, the family lived in a dugout until a sod house⁹⁹ had been laid up. Buffalo chips⁹⁹ and hay served for fuel. The tough sod was broken and corn was planted with an axe. Cattle grazed on the open prairie. Osage hedges⁹⁹ were planted for fences.

The family was largely self-sufficing. Wearing apparel and bedding were made of the skins of animals or homespun by the mother of the home. The father spent a large portion of his time in hunting and trapping. Occasionally he journeyed to the distant trading post or town to barter furs or other raw products for manufactured necessities such as tools and ammunition. Again he journeyed to a salt lick⁹⁹ for the precious mineral. The adolescent boys helped clear the land and took the corn to the gristmill.

Maternity came to the frontier home often, usually without the aid of a doctor. Neighbor women officiated. Families of twelve to twenty were not unusual. Infant and female mortality was high as a result of ignorance of hygiene. Crowding was customary in the little cabin or sod house. Womenfolk in the monotonous wilderness grew lonesome for one of their sex.

The circuit rider and camp meeting⁹⁹ brought religion to the family, and a short-termed log or sod school saved it from illiteracy. Dancing, horse racing, shooting matches, spelling schools⁹⁹ and visiting served for amusements.

Pioneering became habitual with a class of perennial squatters⁹⁹ who moved to a new frontier three or four times during a career.

[E. Douglas Branch, *Westward*; Everett Dick, *The Sod-House Frontier*.]

EVERETT DICK

Family Compact. This most important of several alliances between the Bourbon families of France and Spain, directed primarily against the growing power of England, was consummated in 1761. The contracting parties guaranteed their mutual possessions, promised common action by land and sea, and stipulated that there should be no peace proposal by either save by common consent.

[G. W. Kitchin, *A History of France*.]

J. HARLEY NICHOLS

Faneuil Hall, a market and public hall, the gift to the town of Boston of the merchant, Peter Faneuil, called the "Cradle of Liberty" because of the ringing speeches made there in Revolutionary times, has an unexcelled record as a meeting place for organized protest. It was built, 1740-42, with John Smibert as the architect, and much enlarged, 1805-6, by Charles Bulfinch.

[A. E. Brown, *Faneuil Hall and Faneuil Hall Market*.]

ROBERT E. MOODY

Fannin's Massacre. See Goliad, Massacre at.

Far Eastern Policy. The traditional Far Eastern policy of the United States is known as the Open Door⁹⁹ and the Integrity of China. It aims to obtain equality of economic opportunity throughout an independent China. Taking at first the form of a demand for most-favored-nation treatment, this policy was restated by Secretary John Hay in 1899 and 1900, and was finally embodied in the Nine Power Treaty of the Washington Conference, 1922⁹⁹.

To realize its objectives the American Government has at times co-operated with other states and the League of Nations⁹⁹, and at times has taken independent action. It has aimed to avoid military force in support of its policies, although it has frequently given local protection to American citizens and American rights; it contributed 2500 troops in 1900 to the expedition for relief of the legations in Peking, besieged during the Boxer Rebellion⁹⁹. To safeguard American life and interests in China—investments, trade, and missionary and educational enterprises—the United States has availed itself of the rights of extraterritoriality⁹⁹ and of maintaining naval vessels on the interior waters of China and marines or troops in Peking, Tientsin and the International Settlement at Shanghai.

The general policies of the United States are also applicable in the Far East: the objectives of international peace, as expressed in the Kellogg Briand Treaty of Paris and in the Stimson Non-

recognition Doctrine⁹⁹, and of orderly processes in international relations and respect for treaty engagements and international law (*see* statements of the Secretary of State, July 16 and Aug. 23, 1937). A domestic policy, the exclusion of Oriental immigrants, has affected adversely our relations with Far Eastern countries, especially Japan. As for the Philippines⁹⁹, the United States has aimed from the beginning to prepare them for self-government; complete independence is now promised the Islands on July 4, 1946.

[T. Dennett, *Americans in Eastern Asia*, A. W. Griswold, *The Far Eastern Policy of the United States*.]

GEORGE H. BLAKESLEE

Far West, Mo., was founded Aug. 8, 1836, by Mormons⁹⁹ who had been expelled from Clay County. Early in 1837 the town became the seat of Caldwell County. By the summer of 1838, it had become the center of a community of some 10,000 Mormons, including the leader, Joseph Smith. On Oct. 31, 1838, during the anti-Mormon movement in Missouri, Far West was surrendered to Gen. Lucas, who commanded a contingent of militia. Exodus to Illinois began soon afterward and in April, 1839, the last Mormons are said to have left Far West.

[W. A. Linn, *The Story of the Mormons*.]

ERNEST MAHAN

Far West, THE. A light-draught stern wheeler owned by the Coulson Packet Company. Commanded by Capt. Grant Marsh in 1876, she was the supply boat of the Yellowstone Expedition under Terry, including Custer's 7th Cavalry. After the battle of the Little Big Horn⁹⁹ she carried Reno's wounded, together with the first news of the annihilation of Custer's command, to Fort Abraham Lincoln⁹⁹.

[J. M. Hanson, *The Conquest of the Missouri: Being the Life of Captain Grant Marsh*.] JOSEPH MILLS HANSON

Farewell Address. *See* Washington's Farewell Address.

Faribault Claim, THE. Jean Baptiste Faribault, fur trader, and his mixed-blood Sioux wife, Pelagie, were granted title to Pike's Island, Minn., in an unratified treaty with the Sioux⁹⁹, negotiated by Col. Henry Leavenworth in 1820. In 1838 Faribault offered to compound for \$12,000, but despite agitation until 1857 the Government never recognized the claim.

[W. W. Folwell, *A History of Minnesota*.]

WILLOUGHBY M. BABCOCK

Faribault Plan. In August, 1891, Archbishop Ireland made an arrangement with the Boards of Education in Faribault and Stillwater, in

Minnesota, by which a parochial school in each of these two towns would be regarded during class hours as a state school, retaining, however, its own teachers, and preserving its character as a distinctly Catholic school during the remainder of each day. Although a similar system was quietly in vogue in scores of parishes, and in ten states of the Union, the Faribault-Stillwater plan evoked clamorous opposition not only from many Protestants, who saw in it a plot to squeeze from the state a subsidy for sectarian schools, but also from several Catholics, who feared that if it were widely adopted it would eventually obliterate the Catholic schools of America. When the battle was raging at its height throughout the country, Archbishop Ireland in person presented the case to the Holy See for its decision. Five eminent Cardinals, commissioned to adjudicate, announced on April 2, 1892, their decision as follows:

"The arrangement entered into by Archbishop Ireland concerning the schools of Faribault and Stillwater, taking into account all the circumstances, can be tolerated."

The Pope approved the decision.

HUMPHREY MOYNIHAN

Farm Bureau, THE, arose from the activities of Federal and state agricultural extension workers, who, concerned with spreading scientific agriculture through county agricultural agents, initiated a nationwide movement.

The first organization formed to work with a county agent was set up in Broome County, N. Y., in 1911, as a bureau of the Binghamton Chamber of Commerce, and financed by that organization, the Lackawanna Railroad and the United States Department of Agriculture. This type of organization soon gave way to a strictly farm group. With the passage of the Smith-Lever Act⁹⁹ in 1914, increased Federal funds became available to finance the work and the movement spread rapidly, being aided by its obvious value in increasing food production for war needs.

The rapid increase of the local units led to the formation of state federations, beginning with New York in 1917. On Nov. 12 and 13, 1919, representatives from thirty-seven states met in Chicago and formed the American Farm Bureau Federation, an action which was ratified on March 1, 1920. Here the demand of the Middle West for a militant economic and legislative program came into conflict with the wishes of other sections for broad educational activities. The result was a compromise, with strong emphasis upon co-operative marketing and plans for education to foster better rural living conditions.

and more efficient production, and for the presentation of the farmers' viewpoint on economic questions.

Economic conditions threw the emphasis of the organization heavily toward economic and legislative channels. In 1921 the Farm Bloc in Congress was formed in the Washington offices of the federation. For some years it carried on an active lobby in the fields of rural credits, monetary reform, co-operative marketing, higher tariffs on farm products, etc. After some hesitation it joined in the campaign for the ill-fated McNary-Haugen bill⁷⁷ designed to restore farm prices to prewar parity by the use of an equalization fee on domestic consumption. It was lukewarm toward the Federal Farm Board⁷⁸, but co-operated to give its program of crop purchases, loans and price stabilization a trial.

Called upon by the Secretary of Agriculture in 1933 to draft a farm program, it entered actively the legislative field and prepared the original Agricultural Adjustment Act⁷⁹, signed in May of that year. Farm Bureau units and their members were active in the commodity control organizations set up under that act. Following the invalidation of its production control provisions (*see* Hoosac Mills Case) the federation co-operated in drafting the Soil Conservation and Domestic Allotment Act⁸⁰ of 1936 and helped obtain an extension of the "soil conservation" program and the passage of the Agricultural Adjustment Act of 1938⁸¹.

The county farm bureau has always been the basic unit of the organization. The local units co-operate with governmental agencies in employing county agents and home advisers, and with them carry on a varied program of activities such as co-operative buying and selling, educational meetings and demonstrations and boys' and girls' club work. Control is local, but large state and national staffs direct the larger activities.

[O. M. Kile, *The Farm Bureau Movement*; A. C. True, *A History of Agricultural Extension Work in the U. S.*]

RUSSELL H. ANDERSON

Farm Credit Agencies, Federal. From pre-Revolutionary times to the present, the easy-money needs of agriculture have been a perennial feature of politics in the United States. Shays' Rebellion, the Greenback party, the Granger movement, the Free Silver campaign⁸², are a few examples of political activities directed toward cheap money, and arising out of the debtor position of the agricultural classes. The demand for cheap money was never satisfied, having been effectively stopped with the defeat

of Bryan in 1896. Hence the farmers turned to easier credit as a partial solution of their difficulties.

In 1913 the Federal Reserve Banks⁸³ were created and given power to discount six months' agricultural paper, while member banks could make a limited number of mortgage loans. In 1916 the Federal Farm Loan System was created, consisting of a seven-member, full-time, Federal Farm Loan Board at Washington, twelve Federal Land Banks in as many districts, and National Farm Loan Associations organized among farmers to guarantee the loans obtained from the banks. Private and government funds were invested in the banks, but government funds have predominated. The banks make mortgage loans and finance themselves through issuing fully tax-exempt bonds.

In 1923 the Federal Intermediate Credit Banks were created, one in each Land Bank district, to discount paper for short-time farm financing institutions. The banks are wholly owned by the United States and may issue short-term consolidated collateral trust debentures. In 1933 twelve Production Credit Corporations were set up to provide a permanent system of short-term credit financing. These corporations organize, finance and supervise Production Credit Associations, and discount their paper at the Intermediate Credit Banks. Twelve Regional Banks for Co-operatives and a Central Bank for Co-operatives were also set up in 1933 to make merchandising, operating-capital and physical facility loans to farm co-operatives. The governor of the Farm Credit Administration subscribes to the stock of both Production Credit Corporations and Banks for Co-operatives, but borrowers from the latter must also subscribe during the life of the loan. The Federal Land Banks, the Federal Intermediate Credit Banks, the Production Credit Corporations, and the Regional Banks for Co-operatives in each of the twelve Farm Credit Administration districts are managed by the same officers and all are under the supervision of the Farm Credit Administration—a single-headed agency set up by Executive Order No. 6084 and the Farm Credit Act of March 27, 1933.

Also under the Farm Credit Administration is the Federal Farm Mortgage Corporation created in 1934 to aid the loan operations of the Land Banks and the Land Bank Commissioner by issuing its own fully guaranteed and tax-exempt bonds and exchanging them, or the proceeds, for bonds issued by the Land Banks. The Farm Credit Administration also administers the feed and seed loans which are granted to farmers who

cannot get such credit from ordinary commercial sources, and which were formerly handled by the Department of Agriculture. The F. C. A. charters and supervises the Federal Credit Unions—co-operative thrift and lending associations. It manages the liquidation of the Regional Agricultural Credit Corporations (designed to make production loans), twelve of which were created by the Reconstruction Finance Corporation²⁷ in 1932 at the direction of Congress, and which were transferred to the F. C. A. by Executive Order in 1933. Along with the Federal Land Banks, twelve Joint Stock Land Banks were created which were subject to the same general regulations as the Land Banks but were financed entirely by private capital and are now (1939) being liquidated under the supervision of the F. C. A.

Miscellaneous farm credit agencies include the War Finance Corporation²⁸, created by Congress in April, 1918, to aid in financing essential war industries. It was reorganized in 1921 to extend loans to farm financing agencies, but ceased making loans in December, 1924, and is now being liquidated. In 1929 Congress, by the Agricultural Marketing Act, created the Federal Farm

Board²⁹ which, in effect, organized and chartered in Delaware, loaned funds to, and supervised, the Cotton Stabilization Corporation and the Grain Stabilization Corporation, in an effort to peg prices in cotton and wheat. The Federal Farm Board was set up to attempt to control farm surpluses. The Reconstruction Finance Corporation has loaned or allocated funds to the Land Banks, the Regional Agricultural Credit Corporations, the Joint Stock Land Banks, the Live Stock Credit Corporations, the Federal Intermediate Credit Banks, the Agricultural Credit Corporations, the Credit Unions, the Secretary of Agriculture (for crop loans and to purchase cotton), to finance the sale of agricultural surpluses abroad, to the Commodity Credit Corporation (engaged in operations similar in purpose to those of the Federal Farm Board), to the Farm Loan Commissioner for loans to farmers and Joint Stock Land Banks and for stock of the Federal Farm Mortgage Corporation, to the Federal Farm Mortgage Corporation, to the governor of the F. C. A. for capital of the Production Credit Corporations, to the stock of the Commodity Credit Corporation and the Regional Agricultural Credit Corporations.

FARM CREDIT ADMINISTRATION

| Agency | As of Dec. 31, 1936, unless noted otherwise |
|--|---|
| 12 Federal Land Banks (and Land Bank Commissioner loans) | \$2,900,936,491 — loans outstanding |
| 3089 National Farm Loan Associations (active) | |
| 12 Production Credit Corporations | 121,072,178 — liabilities |
| 76 Production Credit Associations | 146,327,845 — authorized capital |
| 12 Regional Banks for Co-operatives and the Central Bank | |
| 12 Intermediate Credit Banks | 69,647,241 — loans outstanding |
| Federal Farm Mortgage Corporation | 381,660,510 — loans and discounts |
| Emergency Crop and Feed Loans | 1,677,307,290 — total liabilities |
| Drought Relief Loans | 306,066,794 — loaned from 1921-36 |
| Regional Agricultural Credit Corporations | 60,397,062 — loans outstanding |
| Agricultural Marketing Act Revolving Fund | 25,287,760 — loans outstanding |
| Joint Stock Land Banks | 180,736,754 — liabilities |
| 1674 Credit Unions | 226,123,677 — liabilities |
| | 5,511,398 — loans outstanding |

[*United States Government Manual*, 1937; *United States Code*, Title 7—Agriculture, Title 12—Chapters 7-10, Title 14—Agricultural Credit, Title 15—Chapter 10— War Finance Corporation and Chapter 14—Reconstruction Finance Corporation; *Annual Reports*, Farm Credit Administration, *Quarterly Reports*, Reconstruction Finance Corporation, American Institute of Banking, *Farm Credit Administration*, 1935; Frieda Baird and Claude Benner, *Ten Years of Federal Intermediate Credits*; Clara Elhot, *The Farmer's Campaign for Credit*; William J. Shultz and M. R. Cane, *Financial Development of the United States*, Earl S. Sparks, *History and Theory of Agricultural Credit in the United States*, John Thurston, *Government Proprietary Corporations in the English-Speaking Countries*; Ivan Wright, *Farm Mortgage Financing*.]

HARVEY PINNEY

Farm Hands. From the beginning the farms of this country have been mostly small enough so that the farm family has been able to do nearly all of the work. The 1930 census reported an aver-

age of six months of hired labor per farm in 1929. The comparable figure for 1880, the earliest census for which such data are available, was seven months. The range by geographic divisions is

1929 was from 1.3 months in the East South Central states to 9.5 months in the New England states. In general, four situations prevail with respect to hired labor on farms in the United States: (1) In the South, the major part of the hired labor is that of families which live in houses on or near the farms on which they work. Many of these families shift from laborer to "cropper" status (*see* Share Cropper) or the reverse as conditions change. (In the South, a cropper is commonly regarded as simply a laborer who receives his wage as a share of the crop, although the census classifies him as a tenant.) (2) In the fruit and truck growing regions of the North and West, casual labor is employed at harvest and other seasons, and in addition much labor, mostly married, from adjoining cities and villages is employed by the month or day during the growing season. (3) The larger farms and ranches throughout the country employ enough laborers to warrant providing separate living quarters for them. (4) The usual situation outside of the South is that of a "family farm" employing one or two unmarried farm laborers who live with the farm family. These are the typical "farm hands" of America, a feature of its rural civilization. Many of these at an earlier period were sons of neighboring farmers or immigrants who were getting ready to become tenants and farm owners.

[H. C. Taylor and J. D. Black, *Farm Labor in Wisconsin*, *Wisconsin Bulletin* 316; O. E. Baker, *A Graphic Summary of Farm Labor and Population*, *Miscellaneous Publication No. 265*, U. S. Department of Agriculture, pp. 1-16.]

JOHN D. BLACK

Farm Machinery. Although agriculture²⁷, well into the 19th century, continued to occupy most of the population, Americans from the beginning had been bad farmers from the European point of view. Throughout the colonial period, they were ignorant of the proper use of fertilizers²⁸, the rotation of crops, the effective care of livestock, farm management or efficient tools. Their implements remained primitive as late as 1820, when wooden plows and harrows, the sickle, the flail, the iron-shod wooden spade and hand sowing were still in general use—some of them much later. The only important agricultural implement invented in America in the colonial period was the scythe of Joseph Jenks (1646), which was the first step toward the modern, long, narrow, thick-backed bladed scythe.

The reasons for this backwardness were primarily the extent and cheapness of the land, and the delayed Industrial Revolution²⁹. With such abundance of virgin soil, the intensive

farming long practised in Europe was unnecessary, but it was this very abundance which made labor-saving machinery a *sine qua non* of American agriculture, once the West was opened. Thomas Jefferson, whose thought, like Washington's, was much occupied with the improvement of agriculture, designed the first scientific mouldboard for the plow³⁰ in 1798. Charles Newbold, the year before, had patented a cast-iron plow; but he had no success with the invention, partly because of a superstitious belief among the farmers that iron poisoned the ground. This prejudice was overcome after the cast-iron plow of Jethro Wood in 1819, which was so successful that Wood was obliged to fight patent infringements until his death in 1834. It was followed by the steel-faced plow of John Lane (1833), the saw-steel plow of John Deere (1838-47), and the chilled plow of James Oliver (1855), all of them more successful in the heavier soil of the West.

Americans made few original contributions to the harrow. Disk harrows, invented probably in Japan, did not come into general use in America until the latter half of the 19th century. Mechanical seeding was not greatly developed until the work of the Pennock brothers in 1842, although Jefferson had experimented with grain drills in the 1790's. Corn planters requiring a different technic were invented by D. S. Rockwell in 1839, M. Robbins in 1857, and John Thompson and John Ramsay in 1864, but they were not highly successful until 1875.

Harvesting machinery first became practical through the inventions of Cyrus Hall McCormick in Virginia and Obed Hussey in Cincinnati, though there had been forty-seven reaper patents, twenty-three of them American, before the celebrated McCormick reaper³¹. McCormick's horse-operated machine utilized all seven of the principles which have since been found essential to successful mechanical harvesting. These are the side draft, the knife, the divider, the fingers, the reel, the platform and the wheel. Hussey's reaper, patented in 1833, a year before McCormick's patent, though probably McCormick's actual invention preceded Hussey's, had a wide sale especially in western New York, where McCormick's machine was unknown. It lacked, however, the vital principle of the reel.

The effect of the reaper was revolutionary. With two men, the McCormick machine could do ten or twelve times the work of two sickle harvesters. It is significant that less than fifteen years after his first reaper patent, McCormick was obliged to establish a factory in Chicago to meet the Western demand. By 1856, 4000 Mc-

Cormick reapers were made and sold a year. The International Harvester Companysm, founded by the McCormick family, has continued to develop farm machinery up to the present day.

The use of McCormick machinery had, in the opinion of many historians, a profound effect on the outcome of the Civil War. It is an ironic commentary that the invention of a Connecticut Yankee, the cotton ginsm, was an important, indirect cause of secessionsm, whereas the invention of a Virginian played a large part in winning the Civil Warsm for the North.

Americans were backward in the invention of threshingsm and winnowing machines. Jefferson, in 1793, imported the model of a thresher from England and had a machine built from it which threshed "150 bushels of wheat in 8 hours with 6 horses and 5 men." It was not until 1828 that a practical thresher was patented in the United States. This was the invention of Samuel Lane, but it was superseded in 1834 by the machine for threshing and fanning into which John and Hiram Pitts put most of the principles now in use in threshers, including the apron conveyor. In 1844 Jerome I. Case designed a combined thresher and separator which eliminated the fanning mill. Three years later, Case established his plant in Racine, Wis., which by 1857 was producing 1600 machines a year.

The production of agricultural machinery owed its rapid rise to the use of the interchangeable partssm system originally invented by Eli Whitney (1798). In the last half of the 19th century, the value of farm implements and machinery manufactured in the United States increased from less than seven to more than a hundred million dollars. Between 1870 and 1900, the United States rose to the leadership of the world in the manufacture of agricultural machinery. During that time, machines had been developed which, in a single operation, plowed, harrowed and sowed, and which were drawn by traction engines. In the same period, hay stackers, potato planters, manure spreaders, reaper-and-binders, harvester-threshers (see Combine, The) and many other devices came into use. On the Western farms, gang plowing and harrowing became common. Since 1900 there have been great improvements. The tractorsm, which came into use in 1901, the caterpillar tread in 1904, the power-operated milking machine in 1905, have made revolutionary changes. The tractor and other automotive equipment caused the disappearance of some 9,000,000 horses and mules from American farms between 1918 and 1932. This released about 30,000,000 acres of crop land.

As a result of mechanization and other improvements, crop production, per male worker, has increased more than 100% between 1850 and 1930. Total power, per worker, has increased in this time from 15 to 74 horse power.

The latest inventions in machinery have solved difficult problems. These are the cane cutter, the corn harvester, and the cotton picker. The cotton picker represents the only important advance in mechanization of this field since the cotton gin of Eli Whitney (1793), which virtually established the American plantation. The delay in the use of the cotton picker is largely due to labor conditions in the South. Its effect is much dreaded because of the unemployment it may cause among southern Negroes, but some of this will probably be absorbed as the new industrial uses for cotton, such as plastics, road building, explosives and film, are increased.

Indeed, the new industrial employment of agricultural products in a variety of commodities, lately evolved by organic chemistry, will undoubtedly increase farming in America, and, as the use of the soil increases, we may expect further improvements in the mechanization of agriculture.

[P. W. Bidwell and J. J. Falconer, *History of Agriculture in the Northern U. S.*; W. T. Hutchinson, *Cyrus Hall McCormick*; Richard Parkinson, *A Tour in America*; P. L. Ford, *Writings of Thomas Jefferson*; W. Kaempffert, *Popular History of American Inventions*; *The Cultivator*, IX, 1853, New Series; H. Hoover, etc., *Recent Social Trends*; V. S. Clark, *History of Manufactures in the U. S.*; R. Burlingame, *March of the Iron Men.*]

ROGER BURLINGAME

Farm Periodicals made their appearance with the short-lived *Agricultural Museum* (Georgetown, D. C., 1810), the *American Farmer* (Baltimore, 1819-97) and the *Plough Boy* (Albany, 1819-23). The *New England Farmer* (1822-46) by T. G. Fessenden, the *Genesee Farmer* (1831-39) by Luther Tucker and the *Cultivator* (1834-65) by Jesse Buel were by leading advocates of improved agriculture. Agricultural societiessm promoted or supported many of these journals. After the Civil War there was a notable increase in numbers, while some of the older publications grew in strength. Among these were the *American Agriculturist* (1842-), Moore's *Rural New Yorker* (1851-), a weekly, and the *Country Gentleman* (formerly the *Cultivator*). South and West now had representative journals, if not as many or as widely circulated.

Papers devoted to specialties began with the *Horticultural Register* in 1835, which was followed by dairying and stockbreeding journals.

Soon growers of beets, rice, sugar, and raisers of poultry, bees, swine and sheep had their own publications. Expansion along this line was also marked by papers valued principally for the advertising which they carried, and which they subordinated to the general or informative matter. Farm papers of a general character became more literary, devoted to stories and instructive articles, while many of the specialties were cared for by newspapers. Interests of the farmer, however, now demanded an aggressive policy in regard to economic questions, and the Granger movement and Populism⁹⁷ found some farm papers willing allies. From being purely cultural, instructive, or sales media, they might become advocates of a class; but the ownership of many precluded this. The increase in general periodical literature undoubtedly weakened the purely farm paper as the representative of an economic interest.

[G. M. Tucker, *American Agricultural Periodicals*; F. L. Mott, *A History of American Magazines*.]

MILTON W. HAMILTON

Farm Relief. It is a striking fact that in the entire history of the United States there has never been a distinct agrarian party which functioned effectively or extensively for any length of time as such. Until after the Civil War, no definite agrarian political organization appeared. This war, however, marked the definite ascendancy in national affairs of the commercial and manufacturing classes over the agricultural. The vast, predominantly agricultural areas of the South and West were characterized by their colonial, debtor types of economies, and felt that they were held in economic vassalage to the great industrial and financial East. As a result, prior to the World War, there were sporadic outbursts of indignation on the part of the farmers against what they considered the unrestrained excesses of these interests, and these protests were expressed with varying degrees of effectiveness in the activities of the Grangers, the Farmers' Alliance, the Populist or the National People's party, the Farmers' Union, the Nonpartisan League, the Farm Bloc in the Congress, and like movements⁹⁸.

Due to the great demand for agricultural products in Europe occasioned by the World War, the American farmer experienced an almost unprecedented prosperity during the period of hostilities and for a short while thereafter. But postwar adjustments, including the transformation of the United States from a debtor to the largest creditor nation of the world, the raising of tariff walls in this and other countries and the determined striving for agricul-

tural self-sufficiency on the part of most of Europe, brought about significant decreases in our export market for agricultural commodities and severe price declines in the things farmers had to sell. The result was widespread unrest, with agitation for a greater equality in real income for the farmer in relation to the urban and industrial elements of the national population. This objective is what has been commonly designated as "farm relief."

On Jan. 23-27, 1922, President Warren G. Harding called a National Agricultural Conference composed of farmers, farm leaders and business men engaged in agricultural enterprises to consider "the grim reality of the present crisis in agriculture." The legislative results from this conference were the Capper-Volstead Act⁹⁹ of Feb. 28, 1922, permitting interstate co-operative combinations of farmers, the establishment of a system of intermediate agricultural credit for periods from six months to three years and the further strengthening of the statistical service of the Federal Department of Agriculture¹⁰⁰.

By 1923, when, upon the death of Harding, Calvin Coolidge became President, farm prices had shown in a sufficient number of commodity groups evidences of improvement, and business had well started its swing toward the crest of the wave of prosperity, so that Coolidge was enough satisfied with the state of the nation, agriculture included, to follow the policy of as little governmental interference as possible. However, the debt-ridden farmers of the country, oppressed by steadily mounting tax burdens, and high costs for everything they had to buy with their badly shrunken incomes, were restive under the inequality between agriculture and industry. In order to placate these forces of unrest, Coolidge called an agricultural conference in Washington on Nov. 17-20, 1924, a body which held hearings on Jan. 5-28, 1925. Its most significant achievement was the resulting Purnell Act of 1925 making available larger appropriations for research, particularly in the economic and social phases of agriculture. Meanwhile, farm leaders focused upon the McNary-Haugen¹⁰¹ measure as the one which promised best to relieve their unsatisfactory price equation. On Feb. 17, 1927, the bill was passed by Congress, with a small majority in the Senate and a substantial one in the House. President Coolidge immediately vetoed the measure. It was then subjected to further modification, and in May, 1928, with greatly increased strength in both branches of the Congress, again was enacted. Promptly Coolidge vetoed it a second time, and the measure could not be passed over his veto.

Secretary Herbert Hoover of the Department of Commerce had been keenly interested and reputedly very influential in matters of agricultural policy during the days of the Coolidge administration. In his successful campaign of 1928 for the Presidency of the United States, he repudiated the McNary-Haugen plan of farm relief with its "equalization-fee" principle, and promised the reorganization of the agricultural marketing system along sounder and more economical lines. At a special session of Congress convened on April 15, 1929, the Agricultural Marketing Act was enacted on June 15, 1929, and the Federal Farm Board⁷ was created, backed by a revolving fund of \$500,000,000. With its accompanying advisory commodity committees it set about the primary task of strengthening and aiding farmers' co-operatives, establishing a half dozen or more nationwide organizations embracing local and statewide associations in its membership. Upon the decline of prices of cotton and wheat, the authorized device of the stabilization corporation was invoked, the Government through the Farm Board attempting to peg the prices of these commodities by buying at higher than market levels and withholding its huge purchases from the market. While undoubtedly there was an immediate benefit to the farmer in better prices, the surpluses withheld became cumulative, helping unduly to depress the market in subsequent seasons. Moreover, the price-stabilization operations soon exhausted the resources of the Farm Board, and, having proved impractical as a permanent procedure, were discontinued.

But much of indirect significance for agriculture was achieved in the Harding-Coolidge-Hoover period. The national conferences called and the hearings in connection with such farm-relief measures as the McNary-Haugen bill, the export-debenture⁸ plan and the voluntary domestic-allotment proposal did much to pave the way for what followed. In its dying days, on Dec. 7, 1932, the Federal Farm Board in a special report recommended legislation looking toward the modification of the stabilization sections of the Agricultural Marketing Act "so as to provide some means of elevating the returns to farmers from the production of exportable farm products, in such a way as (a) to pay the costs, if any, on a continuous and self-sustaining basis, and (b) to provide an effective system for regulating acreage or quantities sold, or both." These were cardinal principles employed in devising the government control of agriculture⁹ in the New Deal administration of Franklin D. Roosevelt.

[National Industrial Conference Board, *The Condition*

of Agriculture in the United States and Measures for Its Improvement, A Report by the Business Men's Commission on Agriculture, E. R. A. Seligman, *The Economics of Farm Relief*; Wilson Gee, *American Farm Policy*; James E. Boyle, *Farm Relief*, Joseph S. Davis, *The Farm Export Debenture Plan*, Bureau of Agricultural Economics, United States Department of Agriculture, *Agricultural Relief*, A Selected and Annotated Bibliography.]

WILSON GEE

Farm Tenancy in some form has existed throughout American history, but attention has been drawn to the question mainly since 1900. Under the Homestead Act¹⁰ of 1862 citizens of the United States, or those who had declared their intentions of becoming such, were eligible to take up land. Five years' residence or cultivation were required to obtain title. The Soldiers and Sailors' Homestead Act of 1872 extended this privilege to soldiers and sailors who had been honorably discharged. Under the promise of a free homestead the prospective farmer could exercise his option of working for another farmer or of becoming an independent proprietor. Thus, the question of tenancy could have excited no comment. In subsequent years some students began to associate the growth of tenancy with the disappearance of the frontier¹¹.

In fact, if we consider the country as a whole, without an analysis of its subdivisions, tenancy has increased steadily since 1880. In that year 25.5% of the American farms were operated in this manner. The ratio was 28.4 in 1890, 35.3 in 1900 and increased steadily to 42.4 in 1930.

This condition is by no means uniform over the country, nor can it be accounted for on the basis of the disappearance of the frontier, or larger capital outlays to start as a farmer, or even the larger size required for efficient operation under present conditions. In fact, tenancy is greatest in the Southern states, where, as a rule, farms are small, and where hand labor is more conspicuous than machinery in the cultivation and harvesting of crops. In 1930 the highest rate was in the West South Central section (Arkansas, Louisiana, Oklahoma and Texas) where 62.3% of the farms were operated by tenants. A high rate prevailed also in the South Atlantic and in the East South Central sections. Here, no doubt, the cultivation of cotton, with the peculiar social and industrial system which has become traditional in the growing of that crop, accounts for the large percentage of this form of operation. By contrast, in 1930, only 6.3% of the farms in New England were operated by tenants, and in the Middle Atlantic states (New York, New Jersey and Pennsylvania) only 14.7%. In the five states north of the Ohio River and east of the Mississippi the percentage in 1930 was 27.3.

In the Pacific states it was 17.7% and in the mountain area 24.4%.

It appears, therefore, that tenancy is more largely a sectional than a national problem. Moreover, since 1910, tenancy in many sections, except in the South where it has been increasing, has been on the decline. In New England, for example, the percentage was 8.0 in 1910 and 6.3 in 1930; in the Middle Atlantic it was 22.3% at the first date and 14.7% at the second.

With reference to the Northern states it has frequently been urged that tenancy is only an intermediate stage on the farmer's route to independent ownership. As a young farmer he starts as a tenant; he gradually accumulates enough to make payments on the property, and ultimately to become an outright owner. A study of the ages of owners and tenants lends some weight to this theory.

[H. C. Taylor, *An Introduction to the Study of Agricultural Economics*; G. F. Warren, *Farm Management*.]

ISAAC LIPPINCOTT

Farmer-Labor Party of Minnesota, THE, stems from the Nonpartisan League[™], which entered the state in 1916. League leaders with labor co-operation attempted to capture the Republican primaries in 1918 and 1920. Defeated in these attempts the coalition—again with little success—placed Farmer-Labor tickets in the general elections. Though in 1920 farmer-labor leaders in Minnesota, fearing loss of support locally, refused official support to the national Farmer-Labor party, the third-party idea was gaining strength. In 1922 Nonpartisan League tactics were in part abandoned. A Farmer-Labor ballot appeared in the primary, and the election that autumn of a United States senator and a representative indicated the desirability of giving the party a more permanent organization. In 1923 a joint convention of the Working People's Nonpartisan League (established in 1919) and the Farmers' Nonpartisan League organized the Farmer-Labor Federation. Sympathetic groups were invited to join the federation and local farmer-labor clubs were organized. Since 1923 the party has regularly been on the ballot in primary and general elections.

In 1930 Floyd B. Olson, outstanding leader of the party, was elected governor; re-elected in 1932 and 1934, he served until his death in 1936. Control of all branches of the state government, except the senate, was won in 1936, and in this year five representatives and a second senator were elected to Congress. While never abandoning entirely its original program of state ownership, in later years the party has stressed taxation

reform, social-security[™] legislation and protection for the farmers through moratorium[™] and emergency credit legislation. In 1924 the party supported Robert M. LaFollette for the Presidency and in the campaigns of 1932 and 1936[™] played an important part in carrying the state for Franklin D. Roosevelt.

[Nathan Fine, *Labor and Farmer Parties in the United States, 1828-1928*.]

ROBERT H. BAHMER

Farmer-Labor Party of 1920, THE. Soon after the World War certain local trade-union[™] officials began to organize labor parties, the first of which was formed by the munitions workers of Bridgeport, Conn., in 1918. These were followed by state organizations and in November, 1919, a convention forming the National Labor party was held in Chicago with delegates from forty states. The first platform, promulgated as "Labor's Fourteen Points," was based on the fundamental ideal that workers and farmers should exercise controlling power. It called for nationalization of all public utilities[™], basic industries and banks. At the presidential nominating convention of 1920 the name was changed to the Farmer-Labor party as an inducement to agricultural interests. After an unsuccessful attempt was made by remnants of the Progressive party[™] of 1912 to stampede the convention into nominating LaFollette, Parley Parker Christensen of Utah was nominated with Max S. Hayes for his running mate. The party failed to secure the active support of the Nonpartisan League[™], the dominant farmers' political organization of the Northwest, and as a result polled but a quarter million votes. Its strength lay chiefly in Washington, South Dakota and Montana. At a convention held in Chicago in 1923, representatives of the Workers' Party of America (Communist[™]) gained control, and the farmer-labor leaders withdrew from the movement.

[Nathan Fine, *Labor and Farmer Parties in the United States, 1828-1928*.]

ROBERT H. BAHMER

Farmers' Alliance, THE, was the name commonly given to either or both of two powerful agricultural organizations of the 1880's and 1890's.

The National Farmers' Alliance, also known as the Northern, or the Northwestern, Alliance, was a nonsecret organization founded in 1880 by Milton George, editor of the *Western Rural*, a Chicago farm journal, as a means of combating the unfair discrimination of the railroads against the rural classes (*see* Granger Movement). Under George's leadership the order developed into a loose federation of powerful state

alliances, with numerous locals in Kansas, Nebraska, the Dakotas, Minnesota and other North-western states. Its most active growth took place in the later 1880's, when the hard-pressed farmers of the "middle border" joined it by the hundreds of thousands with the hope that through it they could somehow curb the railroads and the trusts, lower interest rates and ease the mortgage burden. When pressure on the older parties failed to bring satisfactory results, the Alliance began to "go into politics," and by 1890 third-party tickets for state and local offices were general throughout the Northwest.

The National Farmers' Alliance and Industrial Union originated about 1874 in Lampasas County, Texas, when a group of frontier farmers united in a secret ritualistic "Alliance" against the local cattle kings and land sharks. The order soon spread into neighboring counties, but died out during the later 1870's owing to dissensions over the Greenback^{er} issue. In 1879 it took new root in Parker County, Texas, and, as the Farmers' State Alliance, again began to grow. After 1886, with an aggressive new president, C. W. Macune, in control, it succeeded in absorbing the Louisiana Farmers' Union, the Arkansas Agricultural Wheel, and local farmers' clubs all over the South, into what remained, under varying names, a strongly centralized organization. Macune and his agents promised, among other things, to arrest through co-operative buying and selling the alarming decline in Southern prosperity that had followed the downward trend of cotton prices. A number of business "exchanges" were founded; but when most of them failed, the Southern Alliance, like its Northern prototype, went into politics. Third-party action, however, was carefully avoided, for most Southerners feared that such a split in white solidarity might pave the way for Negro participation in politics. Instead, the Alliance set out to capture the Democratic party of the South, and by 1890 it was well on the way to success. Meantime, a subordinate and well-disciplined Colored Farmers' Alliance and Co-operative Union had been founded to look after the welfare of the Negroes.

From time to time unavailing efforts were made to unite the two great sectional Alliances into one order. The divergent economic interests of Northwestern and Southern farmers account in part for this failure, but an even more effective obstacle was the formation, mainly under the auspices of the Northwestern Alliance, of the People's, or Populist, party^{er}. This development, indeed, proved to be disastrous to both Alliances. Northwestern Allancemen forgot the old farm order in their enthusiasm for

the new political party, while Southern Allancemen deserted by the tens of thousands at the mere threat of party division. Thus, by the middle 1890's, the vitality had gone out of both Alliances.

[John D. Hicks, *The Populist Revolt*.]

JOHN D. HICKS

Farmer's Almanac(k), *The*, is one of the oldest living periodicals in the United States, having been published continuously since its founding by Robert Bailey Thomas at Sterling, Mass., in 1792. Almanacs^{er} early gained prominence; the first was issued at Cambridge, Mass., in 1639. With the popular reception of Franklin's *Poor Richard's Almanac*^{er}, this medium of information became an American institution. Thomas' *Farmer's Almanac* was timely in title and emphasis on agricultural affairs. Although this publication was most popular in New England, it spread throughout the United States, and its homely presentation of scientific subjects and its general moral and literary character were imitated by other writers and publishers. The later farmers' almanacs issued several editions aimed to appeal to sectional interests with similar basic information. Encyclopedic in its information, the almanac was often the only reading matter in the rural home; as patriotic and political views were intermingled with advice as to the proper time and method for planting, cultivating and harvesting, both might be accepted in like faith. Farmers' almanacs were largely replaced by the agricultural magazine (*see Farm Periodicals*) in the Middle Period, but continued to be used and valued.

[C. S. Brigham, *Account of American Almanacs and Their Value for Historical Study*]

FRED COLE

Farmers' Co-operatives. *See* Co-operatives, Farmers'.

Farmers' Institutes were suggested by and modeled upon the teachers' institute. The idea was broached as early at least as 1853, and was agitated thenceforward. The first genuine example of an institute, however, was that held at Yale under the direction of Prof. Samuel William Johnson, agricultural chemist, in 1860. The Civil War interrupted what had already become a hopeful movement. But about 1870 many state farm organizations made some provision for lecturers to hold meetings of farmers. The classic form of the farmers' institute was worked out and put into operation generally during the 1880's. By 1885 the plan was systematized and state appropriations granted for carrying it out, and by 1889 the movement was in full swing. At

that time W. O. Atwater, Federal director of agricultural experiment stations, hailed the institute as an extension and development of the work which, for many years, had been done sporadically by agricultural boards, colleges, societies, clubs, conventions and experiment stations.

Atwater's statement shows that the institute was regarded as the best device thus far tried for carrying agricultural knowledge to the farmers. In a word, it was then regarded as the ideal form of agricultural extension. Farm periodicals, agricultural colleges and especially the agricultural experiment stations⁷⁰, were steadily bringing new material to light and this material could be made useful by imparting it as directly as possible to practising farmers, under favorable propaganda conditions.

For that purpose the local farmers' institute, sponsored by some organization like a county agricultural society⁷¹, a county grange or farmers' club, directed by state lecturers and participated in also by leading local farmers, was highly effective. The programs were commonly arranged for a two-day meeting, they were held in winter, the entire countryside together with the villages was made aware of them, all the usual entertainment features—music, dramatics, declamations—were employed to add interest, and good storytellers among the lecture staff were always favorites. Farm problems were discussed in the light of the best scientific and practical knowledge. Household economy was added for the special benefit of the farm women. Political partisanship was shunned, but questions of public policy as affecting agriculture received attention. The attendance of farmers at the institutes held in the several states sometimes numbered as high as 4,000,000.

With the promotion of agricultural extension on a national scale, through both state and Federal appropriations, which got under way about 1914 after the passage of the Smith-Lever extension act⁷², farmers' institutes of the older type had their functions gradually absorbed in the newer agricultural extension activity.

[A. C. True, *History of Agricultural Extension*.]

JOSEPH SCHAFER

Farmer's Letters, Dickinson's (1767–68). These letters represent the most effective presentation of the colonial point of view against the Townshend Acts of 1767⁷³. Written by John Dickinson, a gentleman farmer of Pennsylvania who had read law at the Temple and practised it in Philadelphia, they first appeared in the newspapers in 1767–68, but were almost immediately reprinted as a collection and circulated throughout the

colonies. Their influence was very great, since they disregarded earlier colonial distinctions between external and internal taxation, and emphasized instead the right of Parliament to regulate trade but not to legislate for the colonies in cases where revenue was the primary objective. By so doing they shifted the emphasis of colonial disapproval from the form of parliamentary law to its purpose, a hair-splitting distinction which drove the colonists soon to the position that Parliament had no right to legislate for the colonies at all.

[S. E. Morison, *Sources and Documents Illustrating the American Revolution, 1764-1788*.]

VIOLA F. BARNES

Farming. See Agriculture.

"Farthest North." Minnesota, *l'Etoile du Nord*, equidistant on the northern national boundary from the oceans, became through the uncertainties of that boundary designated in Article II of the Definitive Treaty of Peace, 1783⁷⁴, the state farthest north. The tip of Maine is 47° 37' 39"; the tip of the Northwest Angle⁷⁵ of Minnesota is 49° 22' 30.6".

[E. M. Douglass, Boundaries, in *U. S. Geological Survey*, Bulletin 817; A. J. Hill, How the Mississippi River and the Lake of the Woods became instrumental in the establishment of the Northwest boundary of the United States, *Minnesota Historical Collection*, Vol. VII, Appendix; Northwesternmost Point of Lake of the Woods to Lake Superior, *Report of the International Boundary Commission, U. S. and Canada*, Dept. of State, 1931.]

KEITH CLARK

Fast Days or Days of Humiliation, and Days of Thanksgiving, in colonial New England were days officially dedicated to seeking the forgiveness of God or expressing gratitude to Him. Puritans⁷⁶ opposed not only saints' days, but all regular and fixed observances outside the Sabbath, such as Christmas and Easter, because of their highly developed sense of divine providence⁷⁷. They saw every event as an immediate act of God; His will was continually manifesting itself either in adversities, which were punishments of sin, or advantages, which were obviously blessings upon His people. Christians therefore must humble themselves and fast under His wrath, as they must rejoice in His favor. No annual feast could bear any relation to His unpredictable dispensations or express true repentance or joy; only those *pro temporibus et causis* bespoke real piety.

Puritan theory invested the power to designate such days in the churches, but in the colonies the churches almost from the beginning asked the sanction of the legislature to enforce

universal attendance at their services. The civil authorities soon assumed the initiative in proclaiming the days, though the proclamations were generally written by a parson. The governors and councils were given legal power to name days in the absence of the General Courts²⁷, while the courts determined them during their sittings. Meanwhile, individual churches or the churches collectively kept local or co-operative fasts and thanksgivings at will.

Both a fast and a thanksgiving were celebrated with a sermon; on a thanksgiving the service was followed by feasting, but a fast did not necessarily mean entire abstinence from food, but simply from secular pursuits. As to diet, Cotton Mather said that on a day of humiliation Christians should restrain themselves sufficiently to suffer some deprivations: "We may not Eat or Drink *so much*, nor may we Eat or Drink *so well*, on such a Day, as at another Time."

Days of humiliation were given legendary consecration in New England by the startling experience of Plymouth²⁸ in 1622; after two months of drought the church called for a fast, and the day after the fast rain fell. Thereupon, the church ordered a day of thanksgiving. Similar instances of divine response were frequent during the century, though there were times when the fast was followed by still greater affliction, particularly during King Philip's War²⁹; the clergy explained such failures on the ground that God was still offended, enacted further humiliations to "seek further into the cause of such displeasure," and urged reformation of manners. Fasts were appointed upon any public loss or affliction: plagues, earthquakes, eclipses or comets, failures of crops or droughts; they were also decreed during social or political commotions, as during the Antinomian controversy³⁰. In the later half of the century the ministers were pushing every means to awaken the languishing zeal of the people; they held fasts in the churches and persuaded the governments to order repeated public fasts to pray for the grace to reform specific abuses. The proclamations, successively enumerating the evils requiring reformation, furnish in chronological order a summary of social history. In the 1670's the clergy devised the ceremony of "renewing" the church covenant at such fasts, a custom that became a standard feature of community life and contributed to the growth of revivalism³¹.

Though the original colonists abhorred fixed solemnities as an abomination of Satan, they generally held a fast in the spring before the planting and a thanksgiving after the harvest. These days gradually became so habitual that they

amounted to annual events; as early as the 1650's the thanksgiving became regular in Connecticut, and Massachusetts kept the harvest thanksgiving almost every year after 1660; the spring fast became established in Connecticut in the 1660's, in Massachusetts by 1694. Occasional days were observed throughout the 18th century, public days being proclaimed by the governors, and local ceremonies by particular churches. In Massachusetts the royal governor succeeded to the power to proclaim them. At critical moments in the Revolutionary agitation, and during the war, fasts were appointed by the clergy, by the states, or by the Continental Congress, and thus became superlative opportunities for arousing the people and spreading propaganda.

[William DeLoss Love, *The Fast and Thanksgiving Days of New England.*]

PERRY MILLER

"Father of His Country." This title seems to have been current in Pennsylvania in 1778 and the first known publication of it was by Francis Bailey, an Ephrata³² trained printer, a native American and a soldier at Valley Forge. The crudely engraved cover for his *Nord Americanische Kalender* for 1779 (Lancaster, Pa.) showed a flying Fame with a medallion of Washington, sounding from her trumpet the words "Des Landes Vater." The title appears in several of the many adulatory addresses inflicted on the General at the time he resigned his commission in 1783; and has persisted, in print, ever since.

[Rupert Hughes, *George Washington.*]

JOHN C. FITZPATRICK

"Father of Waters" (Mississippi River) is an inexact English translation of the Algonquin words, *misi*, "great," and *sipi*, "water." First heard from the lips of Indians by Frenchmen on the upper reaches of the river, the name came gradually to apply to the entire course of the Mississippi, supplanting other names given to the river by early European explorers.

[W. A. Read, Louisiana Place-Names of Indian Origin, *Louisiana State University Bulletin*, XIX, N.S., No. 2, February, 1927; W. A. Read, Indian Place-Names in Alabama, *Louisiana State University Studies*, No. 29.]

WALTER PRICHARD

Fayette, Fort, dedicated May 12, 1792, stood "on the Alleghany River, one quarter of a mile above Fort Pitt,"³³ in what is now downtown Pittsburgh. It was a "completely stockaded" fort and served, first, as headquarters for Generals Wayne and Wilkinson and later as a supply depot for troops in the "western country." Wayne gathered his army here for his campaign

against the Ohio Indians (*see* Fallen Timbers, Battle of). During the War of 1812th the post served as a recruiting station. It was abandoned about 1816.

[E. M. Davis, Fort Fayette, *Western Pennsylvania Historical Magazine*, April, 1927.]

THOMAS ROBSON HAY

Federal Aid. Almost from its foundation, the Federal Government has, directly or indirectly, granted financial aid to the states for a variety of purposes, the most notable being improvement of education and means of transportationth. For education, a precedent had been set by the Congress of the Confederation, when, in 1785, it directed that a portion of the public domain in the Northwest Territoryth should be set aside "for the use of schools." Beginning with Ohio, in 1802, Congress made it a regular practice to grant to newly admitted states a specified portion of the public lands located within their respective boundaries, proceeds from the sale of which were to be used for education. This form of aid was carried farther by the Morrill Act of 1862th, conferring upon the states public lands or land scrip, and by the act of 1890, making direct money grants to them—all of which was to be used in endowing and maintaining higher institutions of learning—the "land grant" colleges of today. Other acts passed in 1887 and 1906 gave direct financial aid to the states for the maintenance of agricultural experiment stationsth. Substantial sums were also appropriated by the Smith-Lever Vocation Education Actth of 1917 (extended in 1929), for the teaching of agricultural, trade, home economics and industrial subjects. An act of 1920 granted aid for the "vocational rehabilitation of persons disabled in industry or in any legitimate occupation, and their return to civil employment." Finally, vigorous, though unsuccessful, efforts were made before the depression of 1929th to put through Congress an act granting direct aid to the states for the improvement of their systems of elementary education, and to promote the Americanization of alien immigrants.

For turnpikes, canals and later for railwaysth, Congress made numerous grants to the states in the early years before the Civil War, and these furnished a precedent for the Rural Post Roads Act of 1916th and its successive extensions. Over a billion dollars of Federal money has been granted conditionally to the states for highway construction and maintenance, thus making possible our present Federal-state highway system aggregating about 200,000 miles.

Other purposes for which continuing Federal

aid has been granted include forest-fireth prevention (1911, 1924), the support of efficient National Guard units (1916), reduction of maternal and infant mortality (1921), and a co-operative Federal and state employmentth service (1918, 1933). The Social Security Actth of 1935 carried Federal aid still farther, in connection with the maintenance of unemployment compensation systems, assistance for the aged needy pensions for the blindth, promotion of maternal and child health, the welfare of dependent and crippled children and the expansion of state and local public health services.

Aid given to the states for these purposes has usually taken the form of a grant of public lands, or a direct money grant, more recently, of turning over to states a portion of the income derived by the Federal Government from forests, potassium deposits, oil lands and water-power sites located upon the public lands within their boundaries—such funds to be used for highways and schools. Whatever the form of aid, it has long been the policy of the Government to lay down conditions with which states must comply if they are to share in the Federal funds. (*See also* Grants-in-Aid.)

[A. F. Macdonald, *Federal Aid, and Recent Trends in Federal Aid to the States*, *American Political Science Review*, XXV, 628-634, August, 1931; P. H. Douglas, *Development of a System of Federal Grants-in-Aid*, *Political Science Quarterly*, XXXV, 255-271, 522-544, June, December, 1920; E. S. Corwin, *The Spending Power of Congress—Appropos the Maternity Act*, *Harvard Law Review*, XXXVI, 548-582, March, 1923; V. O. Key, Jr., *The Administration of Federal Grants to States*; M. N. Orfield, *Federal Land Grants to the States*, E. R. Rankin, compiler, *Federal Aid to Education*; J. E. Johnson, compiler, *Federal Aid to Education*, H. J. Bitterman, *State and Federal Grants in Aid*, F. A. Ogg and P. O. Ray, *Introduction to American Government*, 6th ed.]

P. ORMAN RAY

Federal Aid Road Act (1916). *See* Rural Post Roads Act.

Federal Bureau of Investigation (G-Men), THE, was established in 1908 as a permanent investigative force of the Department of Justiceth. Reorganized in 1924, it acquired its present form consisting of a body of highly trained nonpolitical agents (popularly known as G-Men), most of whom have legal or business education. These special agents, upon appointment, receive training in Washington before assignment to the field. The bureau operates from forty-seven field divisions strategically located throughout the country. It investigates all violations of Federal laws and matters in which the United States has interest, except those specifically assigned to other governmental agencies. Among the more

important Federal statutes of which the violations are investigated by the G-Men are those relating to kidnapping, bank robberies, killing of Federal officers, misapplication or embezzlement of Federal funds, escaped Federal prisoners, auto racketeering, motor vehicle theft, neutrality, frauds against the Government, and white slave traffic.

At Washington the bureau maintains an Identification Division which is a central clearing house of records pertaining to criminals. In its files are found the fingerprints of more than 7,000,000 persons. In 1932 a technical laboratory was established with experts to conduct the most painstaking scientific analyses of every possible clue in connection with any investigation. In 1935 the Federal Bureau of Investigation National Police Academy, which is a training school for law enforcement officers, was founded. The bureau co-operates with all state, local and international law enforcement agencies.

[Arthur C. Millspaugh, *Crime Control by the National Government*; Homer Cummings and Carl McFarland, *Federal Justice*.]

ROSCOE R. HILL

Federal Communications Commission, THE, was established by the Communications Act of 1934 (approved June 19, 1934). It consists of seven members appointed by the President with the advice and consent of the Senate. It was designed to consolidate in one organization the regulatory authority of the Federal Government over signal and voice communication by wire and radio and over the radio-broadcasting industry. This consolidation involved the disappearance of the Federal Radio Commission and the transfer to the new commission of certain powers formerly exercised by the Interstate Commerce Commission, the Department of Commerce and the Post Office Department⁹⁹. In the radio field, the commission is charged with the allocation of actually or potentially available wave lengths in accordance with considerations of public policy by the granting or withholding of construction permits and licenses and through extensive researches in the science. The commission acts as a regulatory body for telephone, telegraph and radio-telegraph companies engaged in interstate commerce. It prescribes uniform systems of accounts for these companies, passes on the fairness of rate schedules, may fix depreciation practices and establish valuations, and authorizes the extension or modification of existing facilities. During the period 1935-38, the commission, in pursuance of a resolution of Congress, conducted an exhaustive investigation into the telephone industry.

Federal Emergency Relief

[48 Stat. 1064; U.S.C. Title 47, Chap. 5; *Annual Reports of the Federal Communications Commission*.]

PHILIP W. BONSAI

Federal Convention, THE. See *Convention of 1787*.

Federal Council of the Churches of Christ in America, THE, is a federation of twenty-three co-operating religious bodies, representing over 24,000,000 members. It was organized in 1908 in order "more fully to manifest the essential oneness of the Christian Churches of America." The Council functions through a biennial meeting of some 300 delegates and an executive committee of eighty members. There are eight major departments and several standing committees which conduct its work, co-operating with state and local federations and with numerous interdenominational organizations.

[*Yearbook of American Churches*.]

ROSCOE R. HILL

Federal Deposit Insurance Corporation. The Banking Act of 1933⁹⁹ provided for the creation of a Federal Deposit Insurance Corporation (F.D.I.C.), which was set up on a permanent basis by the Banking Act of 1935. Its duty is to purchase, hold and liquidate the assets of national and state banks⁹⁹ which have been closed by appropriate action of their directors, the Comptroller of the Currency, or the proper state authority; and to insure the deposits of all banks entitled to the benefits of deposit insurance.

Protection is promised depositors of all banks able to qualify for membership in the corporation. The maximum insurance for each depositor is \$5000 in each bank. The stock of the corporation has been subscribed to by the United States Treasury⁹⁹ in the amount of \$150,000,000, and by the Federal Reserve Banks⁹⁹ in an amount equal to one half of their surplus, amounting approximately to \$140,000,000. The insurance fund is created by an assessment levied against insured banks, amounting to 1/12 of 1% of the individual bank's average deposits per annum. All national and state member banks automatically become members of the Federal Deposit Insurance System, and nonmember state banks are invited to join, provided their general condition is satisfactory. Approximately 90% of all banking institutions in the United States have their deposits insured by the F.D.I.C.

[*Annual Report*, Federal Deposit Insurance Corp., Washington, D. C.]

FRANK PARKER

Federal Emergency Relief Administration, authorized by an act of May 12, 1933, attempted

to alleviate the condition of an estimated 15,000,000 unemployed, largely the victims of the economic depression which began in 1929. Under the direction of Harry L. Hopkins, this Federal agency eventually granted about \$3,000,000,000 to the states and territories to be expended as public assistance to the unemployed, either as direct benefits in cash or in kind, or as wages on work projects on public property. This agency also extended relief to drought victims and undertook a separate "civil works program" (see Civil Works Administration). When the F.E.R.A. was disbanded in 1935, its functions were continued in part by the Works Progress Administration, National Youth Administration and the Resettlement Administration²⁰.

[E. A. Williams, *Federal Aid for Relief*.]

MARTIN P. CLAUSSEN

Federal Farm Board, THE, was established to administer the Agricultural Marketing Act, enacted in June, 1929, to implement the agricultural relief policy of the Hoover administration. This policy looked mainly to marketing devices in contrast to the surplus-exporting proposals that Congress had recently favored (see McNary-Haugen Bill) and to the production control undertaken in 1933 (see Agricultural Adjustment Administration). By 1933 the board had pledged most of its \$500,000,000 revolving fund, partly in advance to the wheat and cotton stabilization corporations created to hold these products for a price rise that came too late, and partly in loans to co-operatives mostly to enable them to conduct holding operations. Although the major portion of this fund was lost to the Government, some of it was an addition to the income of producers. Also some co-operatives were saved from dissolution by it. Moreover, three of the four principal national co-operative marketing agencies developed by the board are still in full operation (1939). The last major recommendation of the board, before being absorbed in the Farm Credit Administration in 1933 (see Farm Credit Agencies), was that marketing controls be supported by production controls.

[The First, Second and Third *Annual Reports* of the Federal Farm Board; J. D. Black, *The Dairy Industry and the A. A. A.*]

JOHN D. BLACK

Federal Government, THE. The framers of the United States Constitution²¹ did not believe in extreme democracy or the direct rule of the people. Therefore, they created a government of limited powers. They believed that while the people might decide rightly in the long run, yet there should be limitation upon their actions so that they might have sufficient time to think and

form their judgments. Otherwise there might be danger of mob rule instead of government by public opinion. Also, they adopted the system of "separation of powers" or "checks and balances"²² so that the executive, legislative and judicial departments might be independently administered. No one of these departments might gain such an amount of power as to endanger the liberties of the people.

Furthermore, in dealing with the governmental situation then existing they recognized the historic differences and independent feeling existing in the thirteen separate states so they formed a federation in which the rights of each state were carefully preserved in so far as they did not infringe upon the welfare of the United States or the new National Government which they created. Definite grants of power were made to this National Government with the intention that those powers not given to the National Government should be retained by the states or the people of the states.

It has been said in summing up the powers of the National Government (by Frederic J. Stimson) that the Constitution enumerates sixty-five powers which are given to the Federal Government which are contained in fifty-seven clauses and the Amendments of that document. These powers are given to the three branches of the Government—legislative, executive and judicial—of which nineteen are given to Congress²³, while seventy are expressly denied. Also, there are sixty-six things in thirty-nine clauses which are forbidden to the United States Government and thirteen more forbidden both to it and to the states. While these specific statements are at least approximately correct, of course there are many questions concerning the competence of the national or state governments which are bound to arise and these ultimately must be determined by the Federal or state courts with a final appeal to the United States Supreme Court²⁴.

The approximately nineteen powers given to Congress are classified under four heads (by Edward S. Corwin). They are: 1. enumerated powers that are contained and defined in the Constitution; 2. certain other powers which are specifically delegated by the Constitution; 3. the general grant of powers in the "necessary and proper clause" (Art. I, Sec. 8, Par. 18); 4. certain inherent powers which belong to Congress because it is the national legislative body.

The office of President²⁵ of the United States was created upon the model of the kingship of Great Britain, but the Convention of 1787²⁶ placed such restraints and limitations upon the office that the evils which had been suffered or

which were thought to have been suffered by the colonists at the hands of the British sovereign should not be repeated. In fact, the President has inherited, in large part, the powers of the British king and these have been combined with the political leadership that has grown up during the succeeding years. All these powers have resulted in the creation of the great and dominating presidential office of today. More specifically his authority extends to the administration of the executive departments of the National Government; the signing or vetoing of laws (which can be passed over his veto only by a two-thirds vote of both Houses of Congress); the calling of Congress into special session; the appointment to executive, diplomatic and judicial offices (with the confirmation of Congress); the sending of messages to Congress upon the "State of the Union" and other matters at his own discretion; the pardoning power; the conduct of foreign affairs; and the command-in-chief of the Army and Navy. He must be a natural-born citizen, have attained the age of thirty-five years and have been fourteen years a resident within the United States. His term is four years, and he is eligible for re-election. In case of his removal, death, resignation or inability to discharge the powers and duties of his office, he shall be succeeded by the Vice-President²⁰ for the remainder of the term for which he was elected. Although the electoral college²¹ is still retained, he practically is elected by the direct vote of the people. The President receives a stated salary of \$75,000 a year, but to this must be added a sum for living, traveling and other expenses amounting to about \$325,000 annually.

Finally there must be some ultimate authority which possesses the power in case of dispute to say just what the Constitution means. This power has been placed in the hands of the Federal courts, which are intended, as Woodrow Wilson pointed out, to serve as a nonpolitical forum in which the questions "can be impartially debated and determined." It may be said that the Constitution has been formally amended twenty-one times on seven different occasions during the past 150 years of its existence. In addition to the actual provisions or text of the written document various customs or "conventions" have grown up which have the force of law through accretion of time and weight of popular opinion in their favor. These include such matters as the invariable custom that requires presidential electors to vote for the nominee of their party and also the rule that no President shall serve for more than two terms. These conventions or customs, along with the statutes and precedents

concerning the offices and duties connected with it, make a large addition to the actual Constitution and the consequent scope of the National Government of the country.

The American people, like most modern people, when they first came into independence or self-government, placed the larger part of governmental powers in the hands of the legislative body or Congress. They expected that the dominant power in the new Federal Government always should be in the hands of the House of Representatives, since it directly represents the people and has the power of originating money bills both of taxation and appropriation, while the Senate should play a secondary, balancing and restraining part. Owing to the longer term of six years of office, their election, originally, by the legislatures of the various states, which made them less responsible to the popular will, and the power to confirm appointments and ratify treaties, the Senate unexpectedly gained power steadily and soon came to the position of holding the dominant influence in the legislative department of the Government, and still holds it today. Nevertheless, during the first Congress and the few years thereafter, the House of Representatives, which is composed of members elected by the direct vote of the people for a two-year term and apportioned to the states according to numbers of population, held a commanding position in the new Government until the gradual but steady growth of the Senate in power and influence practically displaced it from its commanding position.

On the other hand, the united power of the two Houses of Congress was the dominating influence in our Government during more than the first century after its creation. This was according to the usual method of development of popular government among various states in modern history. While several Presidents, due to vigorous personalities, foreign or domestic wars, or the critical state of national interests might temporarily contest this congressional supremacy, yet Congress always recovered its power until it reached its maximum during the thirty or forty years following the Civil War. The Reconstruction period (1865-77) was a time of almost complete congressional domination so that Woodrow Wilson designated the Federal Government in 1885 as a "Congressional Government" in his celebrated book by the same name.

It should be remembered that the "separation of powers," especially between the executive and legislative departments, required some outside authority or influence to make these two departments of government work together, and this

outside influence was and is supplied by the American political party system⁷⁰. While the United States inherited the fundamental ideas of its party politics from England and developed under the British form of a two-party system, yet it was the added necessity and opportunity for a unifying force in our "government of checks and balances" that gave the commanding importance to the party system.

Of course the parties grew in power only by gradual stages, and meanwhile there developed the custom of placing party leadership in the hands of individuals who held no office and often were known as "bosses."⁷¹ This led to an irresponsible form of government, for while the responsibility was in the hands of the various officeholders, nevertheless the actual power often lay in the hands of the irresponsible party leaders. It was only the growth of the power and influence of the national and state executives, who also have gradually assumed political leadership, that has made our party politics more responsible. Furthermore, this political leadership has increased proportionally with the same authority and power of the executives until the latter have come to the commanding governmental position of today.

It should be remembered that Washington, as our first President, was extremely careful with regard to the precedents he set, in order that the office might command the proper respect both at home and abroad and yet not lead to a dangerous centralization of power, which later might result in monarchy or some form of dictatorship. As above stated, the office of President varied in its influence directly with the personality of the man who occupied the office. Nevertheless, the growth in population and wealth on the part of the nation and its position of increasing importance in world affairs necessarily resulted in increased power for the President who administered its government. According to constitutional provision the conduct of foreign affairs lies in his hands, so that the importance of the foreign relations has had much to do with the power and influence of the President at any one time. About the year 1900 our Presidents began to take over more and more the leadership of the political party that had placed them in office. As a result of this assumption of political leadership the President gained directly in the extent of his power, until the last few years have seen the logical consummation in the supreme dominance of the office over our national affairs both at home and abroad at the hands of such men as Theodore Roosevelt, Woodrow Wilson and Franklin Delano Roosevelt.

By the mere necessities of government those people who make the laws must have a determining control over their administration, or those individuals who administer the laws must have a great influence in their formulation and passage. Such governments as Great Britain and France have developed the so-called Parliamentary government. In this form a Committee of Parliament or a body of men completely responsible to the Parliament and known as a Cabinet has taken over the executive authority of the government and administers it in the name of the people and their representatives in the national legislative body. Since our constitutional system of separation of powers practically prevents this assumption on the part of our Congress we have developed the so-called presidential form of government. In this the President as political leader influences and leads Congress, when he acts as a national representative institution or what might be designated as a Prime Minister of the people. His position as national party leader enables him to do this. While the final dominance of the executive is not a determined matter nor its success a foregone conclusion, yet this status of executive aggression or executive leadership is the outstanding feature of the present American Federal Government.

The American Cabinet⁷², unlike that in parliamentary governments, is merely composed of the heads of the ten departments which have been created by acts of Congress. They occupy the position of assistants to the President in the administration of each respective department, and serve as a Cabinet or advisory body entirely at the will or discretion of the person who occupies the office of President at any specific time.

In addition to the ten executive departments which have been created from time to time, there is a large and increasing number of independent administrative bureaus, boards and commissions. During recent years there has been a marked increase of such services in the National Government, especially since that Government has taken over a large and increasing amount of direction of the economic and social activities of our people (*see* Congress, The Regulatory Powers of; Quasi-Judicial Agencies). There are two main reasons for the creation of these departments and commissions. The nature of their duties is such that it would be difficult to include them in any one of the existing departments and, also, their creators desired to increase the importance of these agencies by giving them an independent status. Although they could not secure for them such rank as that of an executive department, they have been described as "floating islands of

independent power in a sea of governmental administration." Also, they are an important attempt to increase the use of experts and the influence of the civil service⁷⁰ or merit system without interference on the part of the President or any other department of government. This naturally has led to jealousy on the part of the President and other executive officials, and attempts have been made from time to time to include them in other departments of the Government or subordinate them to the direct control of the President. While these commissions add to the actual power of the President through his power of appointment, yet in the cases of several of them he cannot dismiss the members without the consent of Congress (*see* *Humphrey's Executor v. U. S.*), and this is a check to his great powers already so largely increased through his political party leadership.

This same growth in administrative and political power on the part of the President naturally has led to a rivalry with the powers of the Federal judiciary, especially those of the United States Supreme Court, since that tribunal can at its own discretion check or nullify the authority or the policies of a national administration. Throughout our entire history there have been instances of congressional jealousy or opposition to the Supreme Court, but these have not resulted in any real curtailment of the powers of the tribunal. Parallel to the growth in authority of the Federal Government, especially during the period of change in our social system from that of an almost exclusively agricultural to that of an advanced industrial economy, the duties and powers of the Federal courts have increased in like proportion.

Up to the present time the growth of governmental powers has, to a large extent, been made possible by the growth in the customary or conventional part of the Constitution and also by the process of judicial interpretation. For the most part the people of the United States have been well satisfied with this process of orderly administrative and judicial progress, and the courts still hold a dominant position not only of influence but also of real reverence in the minds of the American people. The future relations between the judicial and other parts of the American Government remain to be determined, but at the present time (1939) it would seem that the course of national development in the immediate future will be along the lines of legislative and executive growth and judicial development already indicated.

Contrary to the usual practice in other federal governments in the world, such as Canada or

Switzerland, our state courts do not have the duty of adjudication upon Federal law within the respective states. Our system of so-called "dual sovereignty" extends from the administration of national and state affairs by different officials within the same districts, to that of a complete set of Federal courts and officials throughout the nation, and parallel with the judicial and administrative systems in each state, for the independent interpretation and enforcement of Federal law.

[Edward S. Corwin, *The Constitution and What It Means Today*; Woodrow Wilson, *Constitutional Government*; H. J. Ford, *Rise and Growth of American Politics*.]

WILLIAM STARR MYERS

Federal Highway Act, THE (Nov. 9, 1921), and the Federal-Aid Road Act⁷¹ (July 11, 1916), which it amended, contain the basic legislation under which the Federal Government has cooperated with the states in designating and improving the Federal-aid system of highways, consisting of 221,000 miles. These acts also governed the expenditure of large appropriations for relief of unemployment through highway construction. They apply to the broadened Federal-aid policy now in effect under which Federal aid is extended to the improvement of extensions of Federal-aid routes through cities and to the improvement of secondary or farm-to-market roads and elimination of hazards at railroad grade crossings.

Under the provisions of these acts funds are apportioned to the states according to a formula. In general, a state must pay half the cost of construction. The states select projects for improvement, plan and supervise construction and maintain the roads when completed, all subject to Federal requirements.

[Federal Legislation and Rules and Regulations Relating to Highway Construction Administered by the Bureau of Public Roads, *United States Department of Agriculture; Annual Reports of the Bureau of Public Roads*.]

R. E. ROYALL

Federal Housing Administration. An administrative agency set up by executive order under authority of the National Housing Acts of 1934 and 1938—New Deal⁷² recovery measures designed to stimulate the capital industries through small loans to householders. All powers of the Administration are exercised by the Federal Housing Administrator, who is appointed by the President and Senate for a four-year term. The administrator is authorized to make loans to approved financial institutions, and to insure them against losses which they may sustain in financ-

ing alterations, repairs and improvements upon real property (*See also* Housing.)

[L. F. Schmeckebier, *New Federal Organizations.*]

P. ORMAN RAY

Federal Power Commission. With the adoption of the Federal Water Power Act in 1920 a commission made up of the Secretaries of War, Agriculture and Interior administered the Government's interest in water power on Federal property. During the ensuing ten years 1055 applications for project authorizations out of 1104 were handled by this commission. The public interest in power sites was protected, programs were worked out with the power commissions of the various states, and a basis was laid for some rate making. Many power controversies were resolved, including that of the Colorado River, thus laying the basis for the construction of the Hoover (Boulder) Dam⁷

The commission was reorganized with five full-time commissioners under the act of June 23, 1930 (46 Stat. 797). The jurisdiction originally given by the Federal Water Power Act of 1920 has since been extended as follows: The Public Utility Act of 1935 (49 Stat. 803) added the regulation of interstate utilities, including interconnections, disposition of facilities, issuance of securities, rates and charges, systems of accounts, costs of properties and enforcement of statutory requirements against interlocking directorates. The act of Aug. 31, 1935 (49 Stat. 1078), prohibits issuance of bonds by the Tennessee Valley Authority⁸ to carry out any contract with a state, municipality, etc., until the proposed contract has been approved by the Federal Power Commission. Under the Flood Control Act of June 28, 1938 (52 Stat. 1215, et seq.), the commission has asserted authority to investigate hydroelectric potentialities of Federal flood-control⁹ dams and reservoir projects. The act of Aug. 20, 1937 (50 Stat. 731), requires the commission to allocate costs of facilities at Bonneville Dam¹⁰, supervise rate schedules and accounts of the administrator and participate on the administrative board for the project. Under the act of May 18, 1938 (52 Stat. 403, et seq.), the commission has similar duties in connection with the Fort Peck¹¹ project in Montana. The Natural Gas Act of June 21, 1938 (52 Stat. 821, et seq.) gives the commission jurisdiction over transportation, sale, cost, accounting, contracts and extension of facilities in this field.

RAY LYMAN WELBUR

Federal Register is the official journal of the United States Government authorized by Con-

gress in 1935 after the Supreme Court had complained of the lack of a complete official compilation of executive and administrative orders. In the *Federal Register* the Government publishes, as soon as issued, all presidential proclamations, executive orders and regulations having general application or legal effect, and such other documents as the President may direct or Congress may require. Comments and news items are excluded.

P. ORMAN RAY

Federal Reserve System. THE, was established under the authority of the Federal Reserve Act of Dec. 23, 1913, as a result of the drive for banking reform which was inaugurated with the appointment of the National Monetary Commission¹² in 1908.

The Federal Reserve System provided for a regional system of not less than eight nor more than twelve Federal Reserve banks (twelve being actually established), each to act as a central bank for its district. The operations of these regional banks were to be supervised and co-ordinated by a Federal Reserve Board located in Washington.

All national banks were required to join the system, and state banks and trust companies might join upon fulfilling certain requirements. These became "member banks" of the system. Stock in the Federal Reserve banks was to be subscribed for by these member banks in the amount of 6% of the capital and surplus of the latter. Member banks were to receive a cumulative dividend of 6% on this stock, and excess earnings were to be divided between the Reserve banks (carried to surplus) and the Government.

Each Federal Reserve bank was to be managed by a board of nine directors, six of whom were to be elected by the member banks and three appointed by the Federal Reserve Board. One of the latter was to be designated chairman of the board and Federal Reserve agent, and another deputy chairman and agent. Shortly after the system got under way, the Federal Reserve Board authorized each Reserve bank to select a governor to serve as the chief administrative official of the bank. By the Banking Act of 1935¹³ this title was changed to president.

Federal Reserve banks were empowered to hold deposits for member banks and to clear and collect checks for them; to discount certain types of paper for member banks; to fix a rate of discount on such paper subject to the review and determination of the Federal Reserve Board; to buy and sell gold coin and bullion, government obligations and bankers' acceptances on the open market; to issue Federal Reserve notes and Fed-

eral Reserve bank notes; and to act as fiscal agent for the Government. A reserve of 40% in gold was required against Federal Reserve notes and a reserve of 35% in gold or lawful money against deposits.

Federal Reserve notes were a new type of bank note secured by discounted paper and designed to expand and contract with the needs of business. Federal Reserve bank notes were designed to replace national bank notes⁷⁰. In practice few were issued for this purpose, although they were issued in substantial amounts temporarily to replace silver certificates under the Pittman Act of 1918, and again following the banking crisis of 1933⁷¹. All issues of these notes have now been retired.

The Federal Reserve Board was given wide powers to control the general credit situation and to insure the sound operation of the Federal Reserve banks. Under the former head it might define paper eligible for discount within the meaning of the act; review and determine discount rates as fixed by the Reserve banks; temporarily suspend reserve requirements upon the payment of a graduated tax on the deficiency; require one Reserve bank to discount the paper of another; supervise the open-market operations of the Reserve banks, and control the issuance of Federal Reserve notes to the Reserve banks. Since 1935, the board has also had the power to alter, within limits, the reserve requirements of member banks. The second group of powers gives the board complete supervisory control over the operations of the Reserve banks.

The original Federal Reserve Board, which was sworn into office on Aug. 10, 1914, consisted of seven members—the Secretary of the Treasury and the Comptroller of the Currency *ex officio*, and five members appointed by the President, one of whom was to be designated governor and one vice-governor of the board. The Secretary of the Treasury was to act as chairman of the board. Since 1935, the titles of governor and vice-governor have been changed to chairman and vice-chairman respectively. The act of June 3, 1922, increased the number of appointive members by one, and the Banking Act of 1935 changed the name of the board to the Board of Governors of the Federal Reserve System, dropped the two *ex officio* members and increased the number of appointive members to seven.

The Federal Reserve Act also provided for the appointment of a Federal Advisory Council, consisting of one banker from each Federal Reserve district, to advise the Federal Reserve Board on matters of policy.

Federal Savings and Loan

The open-market operations⁷² of the Federal Reserve banks were unified in 1922 by the organization of an open-market investment committee consisting of the governors of four (later five) of the Reserve banks. In 1930, by regulation of the Federal Reserve Board, this committee was supplanted by an open-market policy conference consisting of the governors of all twelve Reserve banks. This conference was legalized under the name of the Federal Open Market Committee by the Banking Act of 1933, and the Banking Act of 1935 altered the composition of the committee to the entire Board of Governors of the Federal Reserve System and five representatives of the Reserve banks.

The Federal Reserve banks opened their doors for business on Nov. 14, 1914. At first almost no state banks joined the system, there being but eight state bank members at the close of 1914 and only thirty-seven two years later. After the entry of the United States into the World War, however, the number of state bank members increased rapidly, reaching a high point of 1639 at the close of 1922. Although the number of member banks has decreased since that date, the proportion of all banks belonging to the system has increased from about one third to nearly one half. On June 30, 1938, member banks of the Federal Reserve System held approximately six sevenths of the loans and securities of all insured commercial banks (*see* Federal Deposit Insurance Corporation).

In addition to establishing the Reserve banks and the Federal Reserve Board, the Federal Reserve Act lowered the reserve requirements of national banks, permitted them to accept bills of exchange⁷³ and broadened their powers to permit them to engage in a trust and savings business. Later amendments to the act have also given national banks certain limited powers to establish branch offices.

[P. M. Warburg, *The Federal Reserve System*; H. P. Willis, *The Federal Reserve System; Annual Reports* of the Federal Reserve Board.]

FREDERICK A. BRADFORD

Federal Savings and Loan Associations. The Home Owners' Loan Act of 1933 provided for the establishment of Federal Savings and Loan Associations designed to furnish facilities for home financing at reasonable cost. When organized they automatically became members of the Federal Home Loan Bank of their respective districts.

They are privately managed local institutions whose capital is raised only in the form of payments on shares authorized in their charters. They may lend only on the security of their own

shares or on first mortgages on homes, or combinations of homes and business properties within fifty miles of their offices, but no mortgage loan may exceed \$20,000. An association may lend not over 15% of its assets on other improved and secured real estate.

Each association subscribes to stock in the Federal Home Loan Bank of its district to the amount of 1% of the unpaid principal of its home mortgage loans, with a minimum of \$500. There are (1938) approximately 1300 such associations with more than 800,000 private shareholders now doing business in the United States, with total assets of \$1,100,000,000, and total mortgage loans outstanding of approximately \$800,000,000.

The Federal Savings and Loan Insurance Corporation, created by act of Congress, June, 1934, with a capital of \$100,000,000 subscribed by the Federal Government, insures the accounts of all Federal Savings and Loan Associations in order to assure the repayment in full of the account of every investor therein up to the maximum of \$5000.

[*Federal Home Loan Bank Review*, issued by Federal Home Loan Bank Board.]

FRANK PARKER

Federal Spending Power. See Expenditures, Federal.

Federal-State Relations. An important task of the Constitutional Convention of 1787⁹⁷ was to bring about a more equitable division of governmental powers than had been provided by the Articles of Confederation⁹⁸. While the Constitution⁹⁹ definitely enlarged the Federal powers, it did not make clear the field of state powers. In an attempt to remedy this defect, the Tenth Amendment was added in 1791 as a part of the Bill of Rights¹⁰⁰. This Amendment specifically reserved to the states or to the people "The Powers not delegated to the United States by the Constitution, nor prohibited by it to the States."

The Amendment failed to draw a clear line between the Federal and state governments. Nevertheless it helped to establish the general principle that matters of local concern should be handled by the states while affairs of general importance should be taken care of by the Federal Government. This is known as the principle of Federal dualism.

Since the Federal powers are stated in broad terms they are subject to very liberal interpretation. This is particularly true of the taxing provision, often called the "elastic clause," and of the "implied powers clause" which permits Congress to pass any law "necessary and proper" to carry out an enumerated power.

The lack of a definite boundary between Federal and state powers early gave rise to what is known as the states' rights¹⁰¹ doctrine. The advocates of this doctrine have sought in vain to force a narrow interpretation of the Constitution. From the establishment of the first Bank of the United States¹⁰² in 1791 to the inauguration of a Federal social security¹⁰³ program in 1935, the "broad constructionists" have gradually extended Federal authority through encroachment on the field reserved to the states.

Prior to the Civil War the advocates of states' rights waged a stubborn fight. For example, through the Kentucky and Virginia Resolutions of 1798 and 1799, the South Carolina nullification ordinance of 1832, and, finally, through the secession¹⁰⁴ in 1860-61 of eleven states, the states' rights adherents sought to stop the centralizing tendencies of the Federal Government. The final defeat of the Confederacy¹⁰⁵ in 1865 virtually marked the doom of the states' rights doctrine. On the whole, there has been little effective resistance, since the Civil War, to the trend toward centralization¹⁰⁶. The climax of this trend was reached in the period of the "great depression" which started in 1929, when the Federal Government assumed the chief direction and practical control of the relief, recovery, reform and social security programs¹⁰⁷.

While the trend toward centralization has been the most outstanding feature of Federal-state relations, a discussion of the subject would be incomplete without a mention of the ways in which the Federal Constitution affects the states. For example, in the tenth section of Article I is a list of absolute prohibitions against the states and also a list of things states may not do without the consent of Congress. Among other things, a state may not emit bills of credit, impair the validity of contracts or, without the consent of Congress, enter into compacts with each other. By Article IV, each state is required to give "Full faith and credit . . . to the public acts, records, and judicial proceedings of every other State." Citizens of each state are entitled "to privileges and immunities of citizens in the several States." Another requirement imposed on the states is to permit the extradition of fugitives from justice. Finally, the Constitution, also in Article IV, extends certain guarantees to the states, including protection from invasion and domestic violence and the guarantee of a republican form of government.

[E. M. Eriksson and D. N. Rowe, *American Constitutional History*; W. W. Willoughby, *The American Constitutional System*.]

Federal Trade Commission, THE, created by act of Congress in 1914, has for its principal functions the investigation of the trade practices of businesses engaged in interstate commerce⁹⁹, the making of reports concerning trade conditions to Congress, and the determining whether there have been violations of the Federal Trade Commission Act (1914) which prohibits "unfair methods of competition," and of the Clayton Antitrust Act (1914) or the Robinson-Patman Act (1936)⁹⁹, which make unlawful certain specific trade practices, such as price discrimination, exclusive dealing contracts, tying agreements and interlocking directorates⁹⁹, where the effect is to lessen competition substantially. The commission's order to a business to "cease and desist" is reviewable by an appropriate Circuit Court of Appeals, but in such review the findings of the commission as to the facts, if supported by testimony, are conclusive.

The commission is composed of five commissioners who are appointed by the President with the consent of the Senate, and who hold office for seven years.

While opinions differ as to whether the commission has made a major contribution toward the solution of the monopoly⁹⁹ problem, it is generally agreed that it has imposed upon business higher standards of competitive practice. It has been especially effective in reducing such practices as misbranding, commercial bribery, false advertising, the operation of bogus independents, use of "fighting brands," tying contracts and certain cases of misrepresentation. (See also Business, Public Control of)

[G. C. Henderson, *The Federal Trade Commission; National Industrial Conference Board, Public Regulation of Competitive Practices*, 1925.]

GEORGE W. GOBLE

"Federal Union, it must be preserved." A toast given by President Jackson at the Jefferson birthday dinner (April 15, 1830) to show his hostility to Calhoun's doctrine of nullification⁹⁹.

[J. S. Bassett, *Life of Andrew Jackson*.]

JOHN G. VAN DEUSEN

Federalist, The, is a collection of essays written by James Madison, Alexander Hamilton and John Jay following the Convention of 1787⁹⁹ for the purpose of influencing the ratification in New York of the Constitution of the United States (see Constitution, Ratification of the). All of them appeared over the signature Publius in reply to anonymous papers in the press condemning the new government. When seventy-eight essays had appeared in the newspapers, these were collected and published in book form

on May 28, 1788. Publication was resumed in *The Independent Journal* on June 14 until the remaining numbers had been completed on Aug. 16. The work is one of the few first-rate contributions made in the United States to the literature of political theory.

WILLIAM S. CARPENTER

Federalist Party, THE, secured much of its leadership from persons who supported the constitutional movement of 1787. It became identified during Washington's administrations with advocates of Hamilton's financial system, an attitude of neutrality in foreign affairs, and the firm enforcement of domestic laws. The Federalists associated the country's well-being with that of its prosperous citizens. Since their policies called for nationalistic legislation, they necessarily became advocates of loose construction⁹⁹ of the Constitution.

Political demarcation was not clear until the struggle over the ratification of Jay's Treaty⁹⁹ (1795), which gave Federalism a pro-British flavor that it never lost, and tended to lessen its Southern strength. The popularity of Pinckney's Treaty⁹⁹ only partially offset criticism that the administration favored commercial and aristocratic interests.

Warlike measures against France in 1798 (see Franco-American Misunderstanding) stirred up popular enthusiasm for the Federalists; but party harmony was shattered by Adams' move toward peace in 1799. Adams was supported by such Federalists as John Marshall and Harrison Gray Otis; but his action was a factor in arousing Hamilton's opposition to him as Federalist nominee for the Presidency in 1800. In running for re-election, Adams proved stronger than his party, which bore a greater share of the odium attached to the Alien and Sedition acts⁹⁹ of 1798.

Federalism was never restricted to Northern and commercial interests, although there was strong sectional feeling within the party. The national judiciary was a bulwark for Federalist principles; and even after 1800 there were Federalist strongholds in the South, despite the predominance of Jeffersonianism. Maryland maintained a staunch Federalist faction for many years, favored by the under-representation of Baltimore. In Virginia commercial centers, and in the Valley, the party remained important. A similar situation existed in North Carolina and in tidewater South Carolina. Even in the West, early settlements were seldom without those who scorned Republicans.

The opportunistic policy pursued by the Federalists after 1800 was suggested by their part in the disputed election⁹⁹ of that year, when they

tried far harder than did Aaron Burr to keep the Presidency from Jefferson. Subsequent mergers with moderate Republicans in Pennsylvania, and with the Livingstons or Clintonians in New York, demonstrated their steady influence in Northern state affairs. New England, moreover, still generally favored them. Many Federalists, especially a certain extreme New England element, never grasped the meaning of an opposition role in a democracy. They even viewed with suspicion younger members of their own faction. In 1804, a New England-New York secession scheme was contemplated. Federalist leaders elsewhere, such as Bayard of Delaware and the Pinckneys of South Carolina, were more temperate.

The embittered attitude of the New England Federalists during the War of 1812⁷, resulting in the Hartford Convention⁸, alienated some of their allies in other sections. Yet it was more the rise of new issues than criticism of the war which undermined the party's national importance. This, together with steady failure to attract new voters, and the growth of the West, explains the feeble showing made by its last presidential candidate in 1816.

[Samuel Eliot Morison, *The Life and Letters of Harrison Gray Otis, 1765-1848*; Charles A. Beard, *Economic Origins of Jeffersonian Democracy*; Henry Adams, *History of the United States*.]

ROBERT A. EAST

Feeble-Minded, Schools for the, are maintained for the care, education and vocational training of mental defectives who are commonly classified as idiots, imbeciles, morons. Other groups occasionally finding their way into one of these schools are those of borderline intelligence and the dull normals. The first state school for the care of mental defectives was opened in Massachusetts Oct. 1, 1848. New York followed in 1854. Other leaders in this type of institutional provision were Pennsylvania, Ohio, Kentucky and Illinois. Seven states had separate institutional provision by 1866.

The modern state school is built around five functions: (1) the care of helpless and crippled mental defectives or those of the lower mental grades who will need semi-hospital care throughout their lives; (2) the education and training in usual school subjects up to the age of sixteen years of all children; (3) the vocational training of all children over sixteen years with the thought of developing to the fullest all occupational possibilities; (4) the special training of boys and girls in specific trades or lines of work for return to the community in paying jobs; (5) the maintenance of social supervision of all boys and girls

placed out in paying positions. Supervision may be continued for indefinite periods until discharge seems advisable.

The many activities of the state schools of the present day remind one of a busy village. The children under sixteen go to school. Those older attend the various industrial classes and activities, where they do all kinds of sewing, dressmaking, stocking making, make and repair shoes, weave rugs and mats, weave many kinds of cloth, make and repair furniture, make all types of brushes and brooms and many other articles. The older boys work with the electrician, the carpenter, the engineer, in the dairy, the horse barn, the garage or on the farm. The older girls are being trained for community placement by working in the hospital with smaller children, with the housekeeper, with the dietitian and the cooks of the various kitchens, in the laundry or in the storerooms. Recreation is not forgotten. When duties are over, there are baseball, basketball and field hockey for both boys and girls; football, ice hockey and bowling for the boys. The evenings provide concerts by the girls' glee club, the boys' band, the girls' orchestra. In addition there are the weekly movies and entertainments, and the occasional play.

[A. Deutsch, *The Mentally Ill in America*.]

NEIL A. DAYTON

Feminism is the belief in greater privileges and opportunities for women, and the movement to free them from discriminations and restrictions. The most ardent feminists have urged equal rights for men and women. Margaret Brent, who, in 1647, demanded of the Maryland assembly the right to vote in that body, was one of the first American feminists. In March, 1776, Abigail, the wife of John Adams, asked her husband, then in the Continental Congress⁹, to see that women were remembered in the new laws that were to be made, and that they be raised from their subordinate position to one more equal with men. But this was not done.

Continuous agitation for women's rights¹⁰ started in the 1830's, because of discriminations against them in abolition organizations, owing to their sex. This injustice led Sarah and Angelina Grimké to work for the rights of women as well as for the rights of the Negro. In the early 1840's Lucy Stone became an active feminist. Lucretia Mott and Elizabeth Cady Stanton initiated a women's rights convention which took place at Seneca Falls¹¹, N. Y., in July, 1848. Here were listed and denounced the discriminations against women. These included lack of educational and occupational opportunities and of po-

litical rights; taxation without a voice in the government; partiality of the divorce laws toward men; and the fact that married women had no right to their own wages and property (*see Married Women's Property Rights*). This first women's rights convention of modern times launched the organized feminist movement. Its greatest leader in the 19th century was Susan B. Anthony.

Special emphasis was placed upon work for suffrage⁹⁹, since the vote was considered a key to all rights. After the national suffrage amendment was adopted in 1920 (*see Nineteenth Amendment*), the more conservative of the feminists preferred to work through state legislatures to remove various other restrictions; for they favored special "protective" legislation for women. Others, who opposed such legislation as an interference with women's right to labor, were bent upon removing all discriminations. Under the auspices of the nonpartisan National Woman's party, and led by Alice Paul and Doris Stevens, they advocated an amendment to the national Constitution declaring that "Men and women shall have equal rights throughout the United States and every place subject to its jurisdiction." In 1938 the resolution calling for the amendment had not yet passed Congress, and there existed in the states several hundred laws and ordinances which discriminated against women.

[Inez Haynes Irwin, *Angels and Amazons: a Hundred Years of American Women*; Sophonisba P. Breckinridge, *Women in the Twentieth Century*.]

MARY WILHELMINE WILLIAMS

Fence Viewers are local officers long familiar in New England, where, in all the states except Connecticut, two or more are chosen at the annual town meeting⁹⁹ for the ensuing year. In Connecticut their duties are usually performed by selectmen⁹⁹. Duties are similar in all the states, although there are statutory differences and various court rulings on specific questions arising from their exercise. In case of dispute arising between owners of contiguous lands, the assistance of the fence viewers may be invoked by either party, and their judgments, recorded in the office of the town clerk, are binding on the parties. They can settle the location of the line fence and apportion the proper share of its cost on the owners.

[J. S. Garland, *New England Town Law*.]

W. A. ROBINSON

Fence War, **THE**, was the struggle that ensued when ranchmen began the use of barbed wire⁹⁹ in the cattle country. In the early 1880's fence cutting became so serious in Texas that the full

state ranger force was required to supplement the local authorities. It marked the last fight for the freedom of the open range⁹⁹. Barbed wire spelled the end of the longhorn, the cattle trails and the cowboy⁹⁹.

[Walter Webb, *The Great Plains*.]

J. G. SMITH

Fencing and Fencing Laws. Fencing early became a problem in colonial America where unoccupied land was extensive and cultivated acreage was small. Virginia in 1632 required crops to be fenced and in 1646 defined a legal or "sufficient" fence. In Maryland the laws were similar and in North Carolina more rigid.

This type of law advanced with the movement of the frontier⁹⁹. Settlers with the concept of free range insisted upon using unsold public land⁹⁹. As settlement increased, the demand for fencing of pasture rather than crops arose and spread westward. Planters in Virginia secured some relief in 1835 and New Jersey made the change in 1842. The problem was general in the older states and became increasingly serious with the growing scarcity of timber. Yet in 1850 laws requiring the fencing of crops were the rule. In 1867 Illinois passed a permissive law allowing local units to require stock to be fenced in. Five years later a law for preventing stock from running at large was made general unless suspended by local option. In 1870 Iowa passed a local option law, the adoption of which within the state moved westward with the growth of settlement.

The type of fencing varied greatly with the region and the time. In sections of the East stones from the fields were laid into fences. The zigzag or Virginia rail fence spread with the frontier wherever timber was available. As timber became more scarce post and pole, picket, and board fences became common, and wire fencing came into use. Prairie settlement was retarded by scarcity of fence material. Board and picket fences were common, and between 1850 and 1870 waves of enthusiasm for hedge fences swept from New England to Texas. When the frontier line reached the treeless plains only meager fence materials were available, and the need was acute.

Cattlemen had taken possession of large areas, particularly in the Southwest, and were driving cattle to the railroad (*see Cattle Drives*). Settlers could not protect their crops until the advent of barbed wire⁹⁹, when the frontier again began to move. Advancing settlers fenced their farms and the free open range⁹⁹ began to disappear, with bitter complaints, fence-cutter wars and frequent bloodshed. Stock farming succeeded open ranching with advantages in controlled

grazing and opportunities for improvement in breeding. As cattle raising spread northward cattlemen fenced their own land, and until curbed by Federal legislation in 1885, they frequently inclosed the government land. In areas where mixed husbandry prevailed the woven wire fence came into use near the close of the century.

RUSSELL H. ANDERSON

Fenian Movement, THE (1858-76), originated among Irish-Americans under the leadership of John O'Mahony. They planned to raise money, supply equipment and provide leaders to aid the Irish Revolutionary Brotherhood in an uprising against Great Britain. Membership in their organization rose to 250,000. In October, 1865, they established an "Irish Republic" in New York, and ordered bond issues. O'Mahony's followers, failing in an earlier attempt against New Brunswick (*see* Campo Bello Frasco), participated in the republican revolutionary movement in Ireland, on March 5, 1867, and belatedly sent a vessel, the *Erin's Hope*, loaded with arms and men. Those captured by the British attempted to use their American citizenship as a protective cloak and thus draw their adopted country into a naturalization controversy.

A dissatisfied group, called "the men of action," broke from the parent organization and conducted raids into Canada. On June 1, 1866, they crossed at Fort Erie, defeated Canadian troops, and returned to Buffalo, N. Y. The United States promptly halted re-enforcements and arrested the raiders. Political pressure released them. Similar invasions from St. Albans, Vt., and Malone, N. Y., were checked by United States troops. Fenians captured by Canadians were treated as British subjects, intensifying unfriendly relations with Great Britain. May 25-27, 1870, Canadian and United States troops halted raids near Frankfort, Vt., and Malone, N. Y.

Unsuccessful in their objectives, and opposed by the Federal Government and the Catholic Church, members deserted to join the "Land League" and "Home Rule" movements. Their last congress was held Jan. 28, 1876. O'Mahony's death, Feb. 7, 1877, virtually ended Fenianism.

[J. Devoy, *Recollections of an Irish Rebel*.]

EZRA H. PIEPER

Ferguson Impeachment, THE (1917). James E. Ferguson, previously unknown in Texas politics, was elected governor in 1914 and re-elected in 1916. Soon after his second inauguration the state House of Representatives preferred twenty-one impeachment charges against him. The more important of these were: misappropriation

of state funds; falsifications of records; unwarranted interference with the control of the University of Texas and refusal to divulge the source of a personal loan of \$156,500. He was found guilty on ten charges, removed from office and disqualified for holding public office.

Attempting vindication in 1924, he was refused admission to the primary, but his wife was nominated and elected. She was re-elected for a second term in 1932.

[Newton and Gambrell, *A Social and Political History of Texas*.]

J. G. SMITH

Ferries were used to cross all large streams in colonial days. They were early established over Massachusetts rivers, the first in 1631. In 1637 the Boston-Charlestown ferryman paid a fee of forty pounds for his monopoly. In Plymouth it was necessary to give the ferryman twenty-five acres of land to induce him to take the position. Two important ferries in Virginia were over the Potomac River at the "great falls" and over Elizabeth River at Norfolk. Because of the great width of the lower Hudson River, ferries were used exclusively between New York City and New Jersey until the beginning of the 20th century. In the West, ferries were long exclusively used to carry passengers from San Francisco across the Bay. Fares on ferries ranged from one penny up, depending on the date, distance and the number of passengers or the amount of goods carried. The construction of bridges or tunnels has been hastened by the tremendous automobile passenger and freight traffic.

[B. H. Meyer, *History of Transportation in the United States before 1860*.]

CHARLES B. SWANEY

Ferris Wheel. A noted feature of the World's Columbian Exposition⁷⁷ at Chicago in 1893 was a huge upright steel wheel with passenger cars swung around its rim—the first of many such wheels, large and small. It was built by George W. G. Ferris, a Pittsburgh engineer, upon hearing the lament that there was nothing planned for the Fair as novel as the Eiffel Tower at the Paris Exposition.

ALVIN F. HARLOW

Fertilizers, while widely used from ancient times in various forms in the Old World, were utilized in the early colonies only where, as in parts of New England, the soil was especially inadequate. Both pioneer self-sufficiency and large-scale extensive cultivation were indifferent to soil building and feeding. Land abundance of the prairie West long perpetuated such primitive exploitation. Stock was pastured the greater part

of the year, and the manure that accumulated about buildings was regarded as a nuisance to be dumped into streams or ravines, or after too great accumulation abandoned by the removal of the barn to a new site. Before the 1840's systematic efforts at soil enrichment and amendment were exceptional.

In regions strategically located to markets, or settled by groups among whom the tradition of careful cultivation prevailed, regular fertilization was practised from the middle of the 18th century. Along the coast, fish and other marine animals, available in wholesale quantity, and vast accumulations of seaweed were applied directly or in composts. Ground gypsum or "land plaster," marl and limestone, crushed or burned, were drawn upon as soil correctives. The limekiln was regarded as an essential part of the farmstead of the German farmer of southern Pennsylvania. Fertilization was involved with improved rotations in the efforts to rejuvenate plantation economy in the early 19th century. Edmund Ruffin of Virginia, the outstanding Southern agricultural leader, was an enthusiast for marling, and in 1832 published *An Essay on Calcareous Manures*.

The systematic scientific production and application of commercial fertilizers dates from the chemical applications of Liebig, Lawes and Gilbert in the 1840's. Their findings aroused a popular interest that was at times exploited by quacks and impostors, though the early agricultural chemists in colleges and experiment stations gave especial attention to fertilizer analyses and experiments. The earliest form of commercial fertilizer to be largely used was the Peruvian guano, imported for about thirty years from 1840. Following the depletion of this supply, "mixed fertilizers" came into more general use, based upon Chilean nitrates, German potash and native phosphates. With the development of modern industrial processes the basic fertilizer elements have been developed as by-products: packing-house and cottonseed oil, the main fertilizing elements in varying proportions; steel, phosphates in basic slag; cement, potash; copper, sulphur; and coal and petroleum distillation, ammonia. A revolutionizing development shortly before the World War was in the development of processes for the atmospheric fixation of nitrogen and the consequent production of synthetic fertilizers.

These processes were utilized to make the nation self-sufficient during the war, and the industry developed to new heights. Though many of the subsidiary extractions were later stopped by foreign competition, government aid and grow-

ing demand have maintained an increased volume of production. More intensive cultivation, and a decreasing supply of natural fertilizer through the mechanizing of farm operations and consequent lessened production of feed roughage have brought greater dependence upon the commercial product with correspondingly increased cost in this factor of production. In 1930 over 8,000,000 tons were sold and the expenditure has increased from \$28,000,000 in 1889 to approximately a quarter of a billion in recent years.

[G. H. Collings, *Commercial Fertilizers, Their Sources and Use.*]

EARLE D. ROSS

Fetterman Massacre (Dec. 21, 1866), the chief victory of the Sioux[™] in their operations against Fort Phil Kearny[™], was the result of a clever ruse (see Red Cloud War). Capt. William Fetterman, a brave but reckless officer, was sent with eighty men by Col. H. B. Carrington, commandant at the fort, to relieve a wood transport train which had been attacked by the Indians. Although instructed by Carrington not to cross a line of hills called Lodge Trail Ridge, Fetterman was lured by a small party of mounted Sioux and Cheyenne[™] warriors who acted as decoys, until his command was trapped on the other side of the hills.

Every man in Fetterman's command was killed in the fight which followed. High Backbone, a veteran chief, was the Sioux leader. The tragedy resulted in the removal of Col. Carrington from command at the post.

[Cyrus Townsend Brady, *Indian Fights and Fighters.*]

PAUL I. WELLMAN

Feud, THE, was generally a neighborhood, or family, dispute which resulted in bloodshed. Before it can be described, some examination of the background is necessary. The Appalachian Mountains are populated by a race of American pioneers. Here it is said that if there is "dog hair" in a man the mountains will sprout it. The mountainous regions of Kentucky, Tennessee, North Carolina, Virginia and West Virginia are still primitive, and in 1860 their civilization was that of the earliest Western frontier. Law and order were not well established. There were courts, and law-enforcing agencies, but the topography of the country and the sparsity of population made enforcement difficult. Likewise, the people of the mountains were dubious of the courts as institutions of justice.

Bitter disputes have arisen between mountaineers over trifling matters. Livestock, women, politics and thievery have been the most com-

mon sources of strife. Straying livestock, the "wronging" of a woman, or the killing of a dog have set friend against friend, family against family, and one part of a neighborhood against the other. Perhaps the greatest single cause for dispute in mountainous localities was the division of sentiment over the Civil War. This period saw the raiding of armed bands of regulators who attempted to intimidate people on both sides of the national issue. In attempts to disperse the raiding vandals "bad blood" was created. Most outstanding of the mountain feuds were Hatfield-McCoy⁹⁹ (1880-87); Martin-Tolliver⁹⁹ (1874-87); French-Eversole (1885-94); and Hargis-Callahan-Cockrill⁹⁹ (1899-1903). A large number of individuals were killed in these mountain wars. The bloodiest fighting generally took place in the county-seat towns on court days, however, there were many killings resulting from ambush. Today there are occasional outbreaks in some of the eastern counties of Kentucky, particularly Magoffin and Clay.

[Charles G. Mutzenberg, *Kentucky's Famous Feuds and Tragedies*.]
T. D. CLARK

Feudalism in America. Although English feudalism had seen its best days long before Jamestown was founded, enough remained to influence the development of colonial America. Indeed, one of the motives that prompted colonization was the urge on the part of nobles like the Earl of Egmont, Sir William Alexander, Sir Ferdinando Gorges, Lord Maltravers, Sir Robert Heath and Lord Baltimore to enlarge their estates and incomes by establishing feudal domains in the New World. In the proprietary colonies⁹⁹ this was a conspicuous factor, as may be seen in the case of the Gorges⁹⁹ enterprise in Maine or Penn's colony of Pennsylvania⁹⁹. More significant was the Maryland⁹⁹ grant which bestowed upon Lord Baltimore and his heirs extensive seigniorial rights. The entire area was a barony "within which, standing in a feudal relationship with the proprietor, were the lords of the manors and freeholders with their tenements." Court Leets and Barons, quit-rents, rent rolls, copyholds, demesne land, alienation fees, fines, forfeitures and deodands were provided for in the original grant. Many modifications followed after the system had been established, and before the close of the 17th century most of the specialized aspects of the manorial system had disappeared.

The feudal idea likewise appeared in the Carolinas, New Jersey, Delaware and in the Dutch settlements along the Hudson⁹⁹. Many feudal legal principles and practices survived the ex-

tingtion of feudal and manorial institutions, and have influenced the growth and functioning of American law. Feudalism's greatest contribution to English and American political institutions came from the contractual element which existed between lord and vassal. Both were parties to a solemn and binding legal arrangement. This concept was translated to the relations existing between the crown and its subjects. King John's violation of the feudal contract was not lost sight of in the centuries that followed Magna Carta⁹⁹, and the idea that the crown must live within the law was brought to the New World. Today it exists in America in the current political philosophy that government should and can not transcend organic law.

[C. M. Andrews, *The Colonial Period of American History*, Vol. II, 199-240.]
W. FREEMAN GALPIN

Fiat Money is generally thought of as irredeemable paper money⁹⁹, whether there is a prospect of future redemption or not. The first instances of the use of fiat money in this country were the issues of irredeemable bills of credit⁹⁹ in the colonies beginning with the issue of Massachusetts in 1690.

Next came the Continental currency⁹⁹ as issued both by the states and the Continental Congress during the Revolutionary War. The next resort to fiat money on any noteworthy scale was during the Civil War. The Northern states issued a total of \$450,000,000 of greenbacks⁹⁹ which were not made redeemable until Jan. 1, 1879. The Confederate states also issued paper notes purporting to be redeemable from six months to two years after the signing of a treaty of peace with the Northern states. Toward the end of the war the amount of these Confederate notes exceeded \$1,000,000,000 and their value had become nominal.

Since March, 1933, the paper money of the United States has not been redeemable in gold except by special license (see Banking Acts of 1933 and 1935). Because of the large gold stock held back of such money (except silver certificates⁹⁹), however, it is not referred to as fiat money by most economists.

[D. R. Dewey, *Financial History of the United States*; H. White, *Money and Banking*]

FREDERICK A. BRADFORD

Fiction, United States History in. Prose fiction was read but almost never written in the colonial period. From 1789 to 1830 the entire output of fiction by American writers comprised about two hundred and fifty titles. Of these only a few were influenced by American history. The

frontier movement²⁰ was perhaps the earliest historical force to lend itself to fictional treatment. Brackenridge satirized its social qualities (*Modern Chivalry*, 1792); Cooper romanticized the Indian and the scout as children of nature (*Leatherstocking Tales*, 1823-41), Davy Crockett became the framework for tall tales (see *Stories, Tall*) of the backwoods in the 1830's.

The traditions of the Southern gentry were given formal treatment by Kennedy, Simms and others (1830-60). The Puritan heritage was given detailed and studied scrutiny by Hawthorne (*The Scarlet Letter*, 1850). Inspired by the abolitionist movement²¹, Stowe's *Uncle Tom's Cabin*²² (1852) in turn accelerated the antislavery trend.

After the Civil War a rich field was found in the local characteristics of diverse parts of the United States. Eggleston's *Hoosier Schoolmaster* (1871) was the forerunner of the local color school. Cable's Creoles, Murfree's mountaineers, Harte's far-western mining towns, Woolson's Great Lakes region, the ante-bellum Virginians of Page and Smith, the Negro folklore of Harris, and the rural New Englanders of Cooke, Jewett and Freeman were made known to the nation at large.

Nationalism grew apace with provincialism. Mark Twain caught the spirit of the country in its expansive period as no other American has done. The self-made American was portrayed by Howells (*The Rise of Silas Lapham*, 1885). The Civil War became the theme of historical novels, notably by Crane, Mitchell and Churchill, and stimulated an interest in narratives based on our more remote past.

Social and economic trends of the late 19th and early 20th centuries began, through the muck-raking²³ journalists, to make an impact upon fiction. E. W. Howe laid bare the real life of the American village (*A Story of a Country Town*, 1884); Garland showed both the glories and the hardships of the agricultural pioneers; Norris told the plight of the wheat farmer (*The Octopus*, 1901) and Sinclair that of the stockyards worker (*The Jungle*, 1906) in the grip of a rising industrialism.

The problem novel and the local-color novel were combined in the 20th century to form fiction which was both critical and sympathetic toward its subject matter. Cather and Rolvaag dealt with immigrant life in the Midwest; Wharton with fashionable life in New York City; Glasgow with Virginia since Reconstruction days; Tarkington with small-town people as they grew with the towns into city people.

Dreiser, Anderson and Lewis (*Main Street*,

1920) led the attack on the middle class. Hemingway and Faulkner sounded the note of disillusion following the World War. Dos Passos (*U. S. A.*, 1937) implied a Marxian criticism of postwar conditions. Two popular types, the cowboy v. the "bad man" and the detective v. the criminal, echo past and current phases of our social history. The 1930's produced a revival of the historical novel, often with the lost cause²⁴ of the Old South as its theme.

It seems probable that the most notable trend in American fiction has been an increasing awareness of the worth of native materials.

[P. H. Boynton, *Literature and American Life*; A. H. Quinn, *American Fiction, an Historical Survey*; V. L. Parrington, *Main Currents in American Thought*; F. L. Pattee, *First Century of American Literature, 1770-1870*, and *History of American Literature since 1870*.]

HARVEY L. CARTER

Fiddlers and Fiddle Tunes. The violin for art and loveliness; the fiddle for downright merriment and hugging among folks. Fiddlers made England merry before the time of jolly Old King Cole, but the type flourished in the Southern states as nowhere else. Religious revivals²⁵ of the 18th century on one hand and the association of the fiddle with licentiousness on the other brought fiddling into a disrepute expressed by the phrase, "thick as fiddlers in hell," and the play party²⁶ arose as a substitute for dancing to fiddle music. But the fiddle held its own, as attested by the widespread tradition of "The Arkansas Traveler"²⁷, with all its connotations, toward the middle of the 19th century. Lecturing on "The Fiddle and the Bow," Bob Taylor fiddled himself into the governorship of Tennessee. Many a Texas cowboy took his fiddle up the long trail²⁸ and while a companion led his horse around the herd at night fiddled "Turkey in the Straw," "Billy in the Low Ground," "Hell among the Yearlings," "Cotton-eyed Joe," "Sally Good-in," "Hog Eye," "Saddle Old Spike," "Leather Breeches," "Natchez under the Hill," "Kitty O'Neal" and other popular tunes to appreciative longhorns²⁹. The fiddle is still the solace and tonic brightness of many country people.

J. FRANK DOBIE

Field v. Clark, 1892 (143 U. S. 649), sustained the McKinley Tariff Act³⁰ of 1890 in which the President was given power to take certain prescribed articles off the free list if he found that the countries exporting such products to the United States unreasonably discriminated against American agricultural products. This was a delegation of discretion as to the facts, not the law,

and was not therefore, an unconstitutional delegation of power⁷.

HARVEY PINNEY

"Fifteen Nigger Law," THE, was the popular appellation for those sections of Confederate exemption laws, 1864-65, which excused from military service overseers or owners of plantations of fifteen or more slaves. These clauses supplanted the 'Twenty Negro' ones in the laws of 1862-63. Such exemptions produced great dissatisfaction and probably desertions⁸, especially among the poorer classes.

[A. B. Moore, *Conscription and Conflict in the Confederacy*.]

HENRY T. SHANES

Fifteenth Amendment, THE. The first section of the Fifteenth Amendment reads: "The right of citizens of the United States to vote shall not be denied or abridged by the United States, or by any State on account of race, color, or previous condition of servitude." A second section authorizes enforcement by appropriate legislation. The amendment was proposed Feb. 27, 1869, and proclaimed March 30, 1870.

This amendment does not confer the suffrage on the Negro, but such was its purpose. Warnings were voiced at the time that the Negro would be disfranchised on other grounds than race and color, such as literacy, tax or property tests. The Radical Republicans⁹, who were endeavoring by this legislation to force Negro suffrage on the South, could not secure a more drastic amendment due to objections in the Northern states to Federal interference with suffrage laws.

For some years Ku Klux¹⁰ methods kept down Negro voting in the South. In 1890 Mississippi¹¹ led the way to more legal restriction with literacy tests¹², administered by white officials. The Supreme Court upheld this legislation (*see Williams v. Mississippi*). Other Southern states adopted similar laws. In 1898 Louisiana, to exempt white illiterates from disfranchisement, enacted the "grandfather clause,"¹³ excusing persons from literacy tests whose fathers or grandfathers had voted prior to Jan. 1, 1867. Other states followed suit. The Supreme Court has declared these laws unconstitutional (*see Guinn and Beal v. U. S.*). However, other methods have proved effective. By debarring Negroes from voting in white democratic primaries, which are tantamount to elections in the Lower South¹⁴, a device upheld by the courts, the amendment is practically nullified. Other suffrage laws, prescribing poll tax, residence and registration requirements, accomplish the same end. In the Lower South not more than one Negro in one

hundred votes. In other states, where his number does not threaten white supremacy, more Negroes vote, and in the Northern states Negro suffrage is courted by major political parties.

[W. Roy Smith, *Negro Suffrage in the South*, in James W. Garner, ed., *Studies in Southern History and Politics*, William B. Mauro, *The Government of the United States*, 3d ed.]

HAYWOOD J. PEARCE, JR.

"Fiftls" Mining Tax. A fifth of all gold, silver and other metals mined belonged to the crown. This provision is found in the Spanish and Mexican law as well as the English colonial charters. William Penn reserved an additional fifth in his subgrants. The Continental Congress in 1785 reserved one third. The United States did not adopt this principle and definitely rejected it in the Mineral Patent Law¹⁵ of 1836.

[J. A. Rockwell, *A Compilation of Spanish and Mexican Law*, Wm. Bainbridge and G. M. Dallas, *A Treatise on the Law of Mines and Minerals*.]

PERCY S. FRITZ

"Fifty-Four Forty or Fight." The Oregon country lying between the Rocky Mountains and the Pacific Ocean and between California and Alaska, or between 42° and 54° 40' N. Lat., was long claimed by both England and the United States, by virtue of discovery, exploration and settlement. Being unable to determine a definite division of the territory, they agreed to joint occupation¹⁶. In July, 1843, an Oregon convention at Cincinnati adopted a resolution demanding fifty-four forty as the American boundary. In a speech in the Senate in 1844, William Allen, of Ohio, used the phrase "Fifty-four Forty or Fight." A plank of the Democratic platform of 1844 called for the reoccupation of Oregon, and the slogan, "Fifty-four Forty or Fight," became the battle cry of the expansionist Democrats. Stephen A. Douglas and Gen. Cass demanded all of the Oregon territory up to fifty-four forty. At a public meeting in St. Clair County, Ill., it was maintained that Oregon extended to fifty-four forty; and emigrants for Oregon in the spring of 1846 painted the legend "fifty-four forty" on their wagon covers. President Polk in his inaugural address and in his first annual message to Congress insisted on the whole of Oregon to which our title was "clear and unquestionable." All ardent expansionists expressed disappointment with Polk when he agreed in 1846 to compromise with England on the forty-ninth parallel (*see Oregon Treaty of 1846*).

[E. I. McCormack, *James K. Polk*; John Bach McMaster, *A History of the People of the United States*; J. S. Reaves, *American Diplomacy under Tyler and Polk*; F. L. Paxson, *A History of the American Frontier, 1763-1893*.]

J. W. ELLISON

"Fight It Out on This Line if It Takes All Summer," a phrase occurring in a letter of May 11, 1864, from Gen. Grant (U.) to Gen. Halleck (U.) written at Spotsylvania Courthouse⁷⁰ after the battles of the Wilderness⁷¹. The statement expressed Grant's determination to continue his plan of advance on Richmond⁷² in spite of heavy losses and only partial successes.

[U. S. Grant, *Personal Memoirs*.]

THOMAS ROBSON HAY

Figureheads for ships were first used by Egyptian and Phoenician seamen to distinguish one craft from another. The Greeks and Romans ornamented their galleys with the heads of favorite deities; the Chinese decorated their junks with huge eyes to ward off evil spirits, and the Vikings designed figureheads to instil fear in their enemies. The British and French marine, merchant and naval, carried figureheads from the 16th century until modern times. In the United States Navy, and on American merchant ships, the figurehead was used as early as the Revolution. John Paul Jones himself is credited with designing a statue of a goddess of Liberty for the *America*, our first ship-of-the-line. William Rush, of Philadelphia, one of the most famous figurehead carvers, designed heads for the frigates *Constellation* and the *United States*⁷³. The *Constitution*⁷⁴ carried five different figureheads during her long career, the most notable that of Andrew Jackson. A bust of Minerva, figurehead of the *Macedonian* captured by Capt. Stephen Decatur, stands in the Naval Academy grounds, as does the figurehead of the *Delaware*, the head of the Indian chief Tecumseh, whose favor is supposed to bring fortune to midshipmen at forthcoming examinations. In 1909, by the Navy Department's order, figureheads were removed from the navy's fighting ships.

[Constance Lathrop, *A Vanishing Naval Tradition—the Figurehead*, U. S. Naval Institute *Proceedings*, November, 1927; *The Figurehead and Its Story*, *Scientific American*, Aug. 7, 1909.]

LOUIS H. BOLANDER

Filibuster, Congressional, is the term used to describe obstructionist tactics employed by a minority in Congress, the purpose being to prevent a vote and thus to defeat legislation favored by the majority. For example, when President Wilson in 1917 proposed the arming of American merchant vessels, the House of Representatives passed the bill promptly by the overwhelming majority of 403 to 14, and 75 senators signed a statement that they would vote for it if given an opportunity. Nevertheless, the bill failed because seven senators, by filibustering until the term of

Congress expired, prevented the measure from coming to a vote.

Filibustering has been occasionally indulged in from the beginning of our history, the most common methods being to deliver long speeches, to break a quorum, to offer numerous amendments and motions, and to force a roll call at every opportunity. Since 1890 the rules of the House of Representatives have imposed such severe restrictions with respect to these practices as to make filibustering virtually impossible in that body. It still persists in the Senate, however, where the almost unlimited freedom of debate makes it possible for a determined minority to hold up legislation indefinitely by long speeches. In 1938 Sen. Ellender (Louisiana) made a record by speaking for six successive days (about twenty-eight hours) against the Anti-Lynching Bill. Speeches in the Senate need not even be confined to the subject under discussion, and during the filibuster in 1922–23 against the ship subsidy bill desired by President Harding, Sen. Sheppard (Texas) spoke at length on the League of Nations, Sen. Reed (Missouri) on a home for the Vice-President, Sen. Borah (Idaho) on the recognition of Russia, and Sen. McKellar (Tennessee) on the dismissal of certain employees in the Bureau of Engraving and Printing. In 1935 Sen. Huey Long (Louisiana) even read to the Senate detailed recipes for making "pot-likker" and for frying oysters.

After the successful filibuster in 1917 against the proposal to arm merchant ships, and on the insistence of President Wilson, the Senate adopted a modified form of closure⁷⁵. The tradition of unlimited debate is so strong in the Senate, however, that even this modified closure was applied only twice during the first twenty years of its operation—to force a vote on the Treaty of Versailles in 1919 and on the World Court in 1926, and has been of little avail in preventing filibusters. With the adoption of the Twentieth Amendment⁷⁶ in 1933, filibustering has become somewhat more difficult than before, but a determined minority which is skillfully led and which begins its obstruction early in the session can generally force some kind of compromise in the Senate.

[M. P. Follett, *The Speaker of the House of Representatives*; Robert Luce, *Legislative Procedure*; Lindsay Rogers, *The American Senate*; W. F. Willoughby, *Principles of Legislative Organization and Administration*.]

CLARENCE A. BERDAHL

Filibustering. The word filibuster is an English corruption of the Dutch *Vrijbouter* (freebooter) and was first applied to the English buc-

caneers of the 17th century, who gained a livelihood by plundering Spanish ships and settlements in the Caribbean. About the middle of the 19th century the term came to be applied to American adventurers engaged in armed expeditions against countries with which the United States was at peace. It is sometimes applied, incorrectly, to the clandestine enlistment of volunteers in neutral countries for service in a foreign war. It has also been wrongly applied to gun-running, as was the case during the Cuban insurrection preceding the Spanish-American War.

Filibustering in its later form was a type of private warfare waged by enterprising individuals against a weak nation which offered a tempting field for adventure and exploitation. It had its antecedents in the colonial period, when there were occasional border forays by the English, French and Spanish colonists into one another's territory. Such episodes continued along the southwestern frontier of the United States for some time after the formation of the Union. The most conspicuous instances were the abortive Burr conspiracy (1805-7) and the seizure by American citizens of West Florida²⁷⁰ from Spain (1810) and their proclamation of an independent republic. With the revolt of Texas against Mexico (1836) numerous private expeditions were fitted out in the United States in aid of the insurgents; and while these operations did not constitute filibustering, as here defined, they were not sharply differentiated from it.

In the decade preceding the Civil War conditions in the United States were peculiarly conducive to filibustering operations against near-by Latin-American countries. For half a century the United States, with an agrarian, land-hungry population, had been extending its boundaries westward and southward, and though the Western frontier had reached the Pacific the land hunger had not abated. Many United States citizens were firmly convinced that it was the "manifest destiny"²⁷¹ of their country eventually to extend its benevolent jurisdiction over both the Americas. This expansionist sentiment was especially strong in the Far West and in the Lower South. In the far western State of California the settlers had little sense of international obligations *vis-à-vis* their Mexican neighbors and were watching for opportunities to extend their boundaries southward, while in the South the political leaders believed that their section required new accessions of territory in order to maintain an equilibrium between slave and free states.

Out of these conditions developed the filibustering activities of 1850-60. In 1850 and 1851 Narciso Lopez²⁷², a former Spanish general, sup-

ported by several prominent Southern leaders, led two unsuccessful expeditions against Cuba, with the purpose of ridding the island of Spanish rule. He lost his life in the second effort. In California in 1851-52 two stranded Frenchmen, the Marquis de Pindray and Count Gaston Raoul de Raousset-Boulbon, mustered several hundred of their discontented compatriots for two independent expeditions into the Mexican state of Sonora in a new effort to gain fame and fortune. The French were welcomed in Mexico at first as a buffer against possible American aggression, but the Mexicans soon became hostile, and the expeditions ended disastrously.

Meantime, certain American adventurers in California were also planning to plant a new settlement in Mexico. The leading spirit was William Walker, a lawyer and editor of Marysville. In 1853 Walker sailed from San Francisco with a small force and landed in Lower California, which he then proclaimed an independent republic, and styled himself "President." Shortly thereafter he "annexed" the neighboring state of Sonora. Interference of the United States Government with the shipment of supplies and recruits soon brought this quixotic venture to an end. In 1855 Walker accepted the invitation of the leader of one of the revolutionary factions in Nicaragua to bring an armed force into that country. Shortly after his arrival he obtained the co-operation of the Accessory Transit Company, an American corporation engaged in transportation between Atlantic and Pacific ports by way of Nicaragua, and with its aid he captured the city of Granada, the capital and stronghold of the opposing faction. Peace was made, and Walker became commander in chief of the army.

With the transit company regularly bringing recruits and supplies, Walker became practically master of the state. The new government was recognized by the United States in May, 1856, and in July Walker, with the aid of his troops, had himself chosen president. At this juncture, however, he committed the mistake of taking sides against Cornelius Vanderbilt in a struggle within the transit company for its control. Temporarily worsted, Vanderbilt sent agents to Central America to aid a coalition of Central American states in blocking the isthmian transit and preventing recruits and supplies from the United States from reaching the filibusters. Cut off from all aid and surrounded by the Central American allies, Walker surrendered on May 1, 1857, to Commander Charles H. Davis of the United States Navy, who had tendered his good offices to end the conflict and effect the withdrawal of the filibusters from the country.

Walker made two more attempts to establish himself in Central America. In November, 1857, he landed with an armed force near Greytown, but was promptly arrested by Commodore Hiram Paulding and brought back to the United States. His last attempt, in 1860, was frustrated by Capt. Norvell Salmon of the British navy, who arrested Walker on the coast of Honduras as he was attempting to make his way into Nicaragua, and surrendered him to the Honduran authorities. Walker was condemned to death by a drum-head court-martial and died by the fusillade on Sept. 12, 1860. He was undoubtedly the greatest of the American filibusters and, strictly speaking, the last of his kind.

Two of Walker's contemporaries who gained less notoriety as filibusters were Henry L. Kinney and Henry A. Crabb. Kinney landed with a small force in Greytown in 1855, but finding Walker already in power and not disposed to share his prerogatives with another he finally returned to the United States. Crabb had been a schoolmate of Walker's and apparently was trying to follow the great filibuster's example when, at the invitation of a revolutionary leader, he led an expedition into Sonora. Before his arrival, however, the revolutionary factions had composed their differences, and Crabb and his men were received in a hostile manner, made prisoners and put to death.

Filibustering activity was halted by the Civil War and never again became the problem that it was in the 1850's. The abolition of slavery removed one of the causative factors, and the rapid industrialization and urbanization of the United States after the war put a check on land hunger.

That so many filibustering expeditions could succeed in leaving the United States in spite of laws forbidding such operations has been attributed by some writers to the neglect or connivance of the Federal authorities. This assumption is not supported by the evidence. Nearly every important filibuster leader was at some time in trouble with the courts, but public sentiment was with them and juries would not convict. Because it was impossible to keep close watch on the whole coast line of the United States, President Buchanan in 1857 went far beyond the legal mandate and placed naval vessels in Central American ports to prevent the landing there of any adventurers who might have evaded the vigilance of Federal officers. The speedy and egregious failure of every filibustering enterprise is in itself the best proof that these ventures obtained no public assistance.

[William Walker, *The War in Nicaragua*; James Jeffrey Roche, *Byways of War*; L. Montúfar y Rivera Maes-

tre, *Walker en Centro-America*; William O. Scroggs, *Filibusters and Financiers*; Laurence Greene, *The Filibuster*.]

WILLIAM O. SCROGGS

Fillmore, Fort, established Sept. 23, 1851, and named after President Fillmore, was situated in New Mexico, about thirty-six miles above El Paso, Tex. On July 26, 1861, Maj. Lynde, commanding the Union troops at this fort, evacuated it and subsequently surrendered. The fort was reoccupied by Union forces on Aug. 11, 1862. It does not appear to have been used after the Civil War, and all that now (1939) remains of it is a heap of adobe.

[H. H. Bancroft, *History of Arizona and New Mexico*; R. E. Twitchell, *Leading Facts of New Mexican History*, Vol. II.]

P. M. BALDWIN

Filson's Map (1784). *This map of Kentucke, drawn from actual observations . . .* and inscribed by the author, John Filson, to the Congress and to His Excellency George Washington, was engraved by Henry D. Pursell and printed by T. Rook in Philadelphia. The map was based on surveys made by Daniel Boone and others, to whom the author acknowledged his indebtedness; it supplemented Filson's *The discovery, settlement and present state of Kentucke*, which was printed the same year, but at Wilmington. The book contained an account of Daniel Boone's adventures as well as a description of the country. Though crudely executed, the map was very popular; at least 1500 copies were printed, and not less than six different issues appeared, bearing deletions and additions. The plate was later re-engraved in London.

[R. C. B. Thruston, *Filson's History and Map of Kentucky*, in the *Filson Club History Quarterly*, January, 1934; W. R. Jilison, *The Kentucky Country*; P. Lee Phillips, *The First Map of Kentucky by John Filson*.]

LLOYD A. BROWN

Fincastle, Fort. See Henry, Fort.

Fincastle County was the name given by the Virginia Assembly in 1772 to that part of the colony which lay west of the Kanawha River and south of the Ohio, and which included all of what is the present State of Kentucky. It was in this county where Richard Henderson in 1775 sought to set up his Transylvania^{an} government. The next year Fincastle County was divided into three new counties, with Kentucky being the name for one of them.

[T. P. Abernethy, *Western Lands and the American Revolution*; T. D. Clark, *A History of Kentucky*.]

E. MERTON COULTER

Finney, Fort, The Treaty of (Jan. 31, 1786), was the outcome of an effort to reach an agreement with the Indians of the lower Ohio Valley and the Lake country concerning lands in the Old Northwest⁹⁹ ceded to the United States by England in 1783 (*see* Definitive Treaty of Peace). The purpose was to get the Shawnee, Miami, Ojibwa, Piankashaw, Potawatomi and Kickapoo tribes to consent to the assignment of certain definite areas for their hunting grounds, and to waive their claims to lands previously wrung from the Iroquois by the Treaty of Fort Stanwix and from the Delaware and Wyandot at Fort McIntosh (January, 1785)⁹⁹.

The tribes were opposed to such concessions, and only the Shawnee met the United States commissioners at Fort Finney, near the junction of the Great Miami and Ohio rivers. Obligated by threats of force to sign what was called a treaty of cession and to consent to removal to a district between the Wabash and Great Miami, the Shawnee later repudiated the treaty, and the United States did not attempt to enforce it. In 1795 the lands in question were definitely ceded by the Treaty of Greenville⁹⁹.

[Walter H. Mohr, *Federal Indian Relations, 1774-1788*; R. C. Downes, *Indian Relations in the Ohio Valley to 1795*.]

RANDOLPH C. DOWNES

Finney Revivals, THE, began under the preaching of Charles G. Finney in central New York in 1825. The period of their greatest intensity was from 1827 to 1835, during which meetings were held in most of the large cities of the country resulting in thousands of conversions. Though supported by wealthy philanthropists such as Lewis and Arthur Tappan and Anson G. Phelps, the revivals aroused much opposition because of Finney's "new measures," especially his introduction of the "anxious bench." His converts furnished a large proportion of the leadership for the many reform movements of the three decades previous to the Civil War.

[*Memoirs of Rev. Charles G. Finney, Written by Himself*; G. H. Barnes, *The Antislavery Impulse, 1830-1844*.]

WILLIAM W. SWEET

Fire-Eaters were Southern extremists who, as early as the 1840's, advocated secession⁹⁹ and the formation of a separate confederacy. Among radical leaders who preached such doctrines were R. B. Rhett, Thomas Ruffin and W. L. Yancey. Distrusted by the moderates, they seldom acquired responsible positions after the Confederacy materialized.

[Avery Craven, *Edmund Ruffin, Southerner*.]

WENDELL H. STEPHENSON

Fire Protection. In colonial times, city householders and businesses were by law required to keep a specified number of leather buckets on hand for fire emergencies. Some of the larger cities owned hooked ladders. Smaller towns had no protection at all. In 1730 New York City imported from Holland two fire engines—hand-pumping machines, of course, the only type known for a century thereafter. During that era of fire fighting, companies were all of the volunteer sort, the members running at the sound of the alarm from their homes and offices to the engine house and drawing the machine by hand to the conflagration. Until cities provided public water systems, water had to be pumped from wells, ponds or streams. The first telegraph fire signal system was put into operation in Boston in 1852. The steam fire engine was invented in 1829-30, and began to supplant hand pumping about two decades later. With it came the professional salaried fireman and horse-drawn machines. Cincinnati installed the first salaried steam fire department in 1853. New York's volunteer firemen were not abolished until 1865. In the latter 19th century fireproof or fire-resistant buildings began to appear, the chemical fire extinguisher was invented, and was followed by the sprinkling system. With the development of the gasoline engine early in the 20th century, fire departments were motorized, and horses and many of the steam engines disappeared.

[Augustine E. Costello, *Our Firemen*; Herbert Asbury, *Ye Olde Fire Laddies*.]

ALVIN F. HARLOW

"Fire when you are ready, Gridley," was an order given by Admiral George Dewey to Capt. C. V. Gridley on board the flagship *Olympia* at the opening of the battle of Manila Bay⁹⁹, May 1, 1898. Although he possessed no base of operations and was nearly 7000 miles from a home port, Dewey destroyed the Spanish squadron, captured its navy yard at Cavite and held Manila Bay until reinforcements arrived from the United States.

[F. E. Chadwick, *The Relations of the United States and Spain*.]

DUDLEY W. KNOX

Firelands, THE, was a tract of 500,000 acres, largely within the two westernmost counties (Huron and Erie) of the Western Reserve⁹⁹, granted by the State of Connecticut to citizens of nine "suffering towns" for losses totaling \$538,495.26 suffered in British Revolutionary raids. The proprietors were incorporated by law of Connecticut (1796) and Ohio (1803). Indian rights were extinguished by the Treaty of Fort Industry⁹⁹ (1805), the Firelands Company join-

ing the Connecticut Land Company^{as} to pay \$16,000 and an annuity of \$175. Among the Indians dispossessed were Christian Delawares, refugees after the massacre at Gnadenhutten^{as}. Lands were partitioned among the proprietors in 1808, and settlement began at once. Eight of the Firelands townships took names of the "suffering towns" (New London, Groton, Danbury, New Haven, Fairfield, Norwalk, Greenwich, Ridgefield).

[W. W. Williams, *History of the Firelands; Firelands Pioneer*, published 1858-1921.]

HAROLD E. DAVIS

Fires, Great. The first considerable fire in American history destroyed a large portion of the town of New York during the British army occupation in 1776, and was hotly ascribed by Americans to British vandalism. New York had another big fire Dec. 16-17, 1835, which burned 600 buildings in the business quarter, with a loss of \$20,000,000. Fires were shockingly numerous in the 19th century, due to the preponderance of wooden buildings, to carelessness with inflammables and poor fire-fighting equipment (see Fire Protection). San Francisco, suddenly grown to an important city in 1849, was swept three times by flames in 1850, and finally built more carefully, using much brick and stone. A Gold Rush mining camp of several hundred population was apt to be wiped out completely in an hour or so on a windy day. The Chicago fire of 1871^{as} was the greatest disaster of the sort in our history. Boston suffered a fire in 1872 which laid waste sixty acres of the city and did \$60,000,000 worth of damage. In 1904 a great conflagration destroyed the business district of Baltimore, with losses aggregating \$125,000,000. In each case, much better construction followed. In that year of 1904 nearly 7000 persons lost their lives in fires in this country, or about nineteen per day. So great was the destruction in those early years of the century that there was much agitation for improved prevention and protection. It was pointed out in 1906 that the loss by fire during the past quarter century had been \$3,500,000,000. Boston's fire loss at that time was said to be \$1,500,000 yearly, or about ten times that of the average European city of similar size. But the disasters were bringing better practices—more fireproof buildings, stricter laws. The Iroquois fire^{as} in 1903 caused more stringent regulation of theater exits, asbestos curtains, etc., while the Triangle Waist factory fire^{as} in New York in 1911, in which 147 persons, mostly young women and girls, lost their lives, brought about reforms in factory inspection and safety measures. Our vast conifer forests, frequent droughts and native

carelessness have brought greater losses from forest fires in this country than in any other. In pioneer days on the Great Plains, the giant grasses several feet in height, drying in late autumn, caused devastating prairie fires, often moving with incredible speed. For a week in November, 1869, one of these fires raged through central Kansas in a great arc more than 100 miles long, destroying farmsteads, railroad stations, cattle and whatever lay in its path.

ALVIN F. HARLOW

"First in War, First in Peace, and First in the Hearts of His Countrymen." These words were written by Gen. Henry Lee as a part of the resolutions offered by John Marshall in Congress on the occasion of the death of George Washington. They were repeated in Lee's memorial oration in Philadelphia, Dec. 26, 1799, and have become the best-known characterization of Washington.

[Thomas Boyd, *Light-Horse Harry Lee*.]

JAMES ELLIOTT WALMSLEY

First Lady of the Land, THE, is the wife of the President of the United States or the woman designated by him to be hostess at the White House. The unofficial title of "First Lady" perhaps originated during the first half of the 19th century, or a little earlier, when the use of "lady" for "wife" or "consort" was still prevalent in polite society. The phrase, "First Lady of the Land," surrounded by quotation marks, was applied to Lucy Webb Hayes by Mary Clemmer in her account of the inauguration of President Hayes in 1877. The phrase does not seem to have had a wide journalistic use until after the production in 1911-12 of Charles Frederic Nirdlinger's play about Dolly Madison, entitled "The First Lady of the Land," starring Elsie Ferguson.

[M. Clemmer Ames, A Woman's Letter from Washington, *The Independent*, March 15, 1877; L. C. H. Langford, *The Ladies of the White House*; L. G. A. Woolfall, *Presiding Ladies of the White House*; K. Prindiville, *First Ladies*.]

STANLEY R. PILLSBURY

Fishdam Ford, Battle of (Nov. 9, 1780). Gen. Thomas Sumter with nearly 600 men was in camp at Fishdam Ford on Broad River on the night of Nov. 8-9, 1780, when attacked by Maj. Wemyss with a detachment of Tarleton's command, about 1 A.M. Sumter's men were on the alert, however, and repelled the attack, wounding and capturing Wemyss. (See also Southern Campaigns, 1780-81.)

[Edward McCrady, *History of South Carolina in the Revolution*; Lt. Col. Tarleton, *History of the Campaigns of 1780 and 1781 in the Southern Provinces of North America*.]

ALVIN F. HARLOW

Fisher, Fort, Capture of (1864-65). Fort Fisher was important because it kept the Cape Fear River open for use by blockade runners⁷⁰. In the winter of 1864 Gen Lee (C), then hard pressed at Petersburg⁷¹, wrote to the fort's commander, who had only 1900 men, that the post must be held, else he (Lee) could not provision his army. On Dec. 24, 1864, a Federal fleet of sixty vessels under Admiral Porter (U), carrying infantry under Gen B. F. Butler, bombarded the fort for several hours and landed the infantry; but as Porter and Butler decided that the position could not be taken, the soldiers and fleet withdrew. On Jan 13 the same fleet returned, bringing 8000 infantry, and bombarded the fortification for two days and nights, doing great damage. On the 15th a force of 2000 sailors and marines landed and attacked the ocean front of the fortress, but were repulsed with heavy loss. Shortly afterward, however, the Federal infantry succeeded in penetrating a rear salient, and after desperate hand-to-hand fighting, the work was finally taken.

[*Battles and Leaders of the Civil War*, Vol. IV.]

ALVIN F. HARLOW

Fisheries, THE. See Cod Fisheries; Labrador Fisheries; Mackerel Fisheries; Seal Fisheries.

Fisheries Dispute, Arbitration of. The Definitive Treaty of Peace of 1783⁷² between Great Britain and the United States recognized the "liberty" of American citizens to fish within the territorial waters of British North America. This was a "liberty" and not a "right" which the American plenipotentiaries had at first contended for. The War of 1812 put an end to this treaty.

The Convention of 1818⁷³ respecting fisheries, boundary and the restoration of slaves again recognized the "liberty forever" but only in stipulated territorial waters: on the western and northern coast of Newfoundland, the shores of the Magdalen Islands, and the coast of Labrador⁷⁴, and expressly renounced "forever" liberties heretofore enjoyed elsewhere in British dominions, but allowed landing privileges for refreshment of fishermen in the renounced areas.

Various disputes over the exercise of these liberties and landing privileges were precipitated by the jealousies of Canadian and American fishermen between 1836 and 1854. In the latter year the fisheries question was again adjusted as a part of the Canadian-American Reciprocity Treaty⁷⁵. The Treaty of Washington of 1871⁷⁶, which was a comprehensive settlement of outstanding Anglo-American issues, restored again to American citizens the privileges renounced by

the Convention of 1818 and temporarily recapitulated by the reciprocity treaty.

The fishery article of the Treaty of Washington came to an end in 1885. From then on until 1909 the precise liberties of American fishermen in British territorial waters according to the Convention of 1818 were the matter of constant bitter and jealous dispute. Controversies arose particularly concerning the territorial jurisdiction of Great Britain in nontreaty waters, over bays less than six miles across from headland to headland. Finally, the dispute was referred by an agreement of both governments, Jan. 27, 1909, to the Permanent Court of Arbitration at The Hague⁷⁷. That tribunal within its powers of reference laid down decisions, definitions and regulations which definitively settled the disputes and adjusted the whole affair. Since the award of the tribunal on Sept. 7, 1910 there has been no further trouble.

[John Bassett Moore, *Principles of American Diplomacy*; Samuel Flagg Bemis, *A Diplomatic History of the United States*.]

SAMUEL FLAGG BEMIS

Fisher's Hill, Battle at (Sept. 22, 1864). After his defeat by Sheridan (U.) at Winchester⁷⁸, Early (C) retired southward to Strasburg. He formed line of battle about Fisher's Hill, west of the town, to await Sheridan's attack. Several days later it came in overwhelming force. Again the Confederates were flanked and driven from the field. Early continued his retreat southward. Sheridan did not pursue aggressively. Instead he resumed his work of destruction and devastation (see Shenandoah Campaign).

[*Battles and Leaders of the Civil War*, Vol. IV.]

THOMAS ROBSON HAY

Fishers Island, N. Y., was first noted by Adrian Block in 1614. It was included in the Connecticut patent granted by Charles II in 1662, but was also within the patent of the Duke of York. The question of state ownership was not legally settled until 1879 when a joint committee decided in favor of New York.

[H. L. Ferguson, *Fishers Island, N. Y.*]

MORTON PENNYPACKER

Fishing Bounties, in the United States (1789-1807, 1813-66), were not true bounties. From 1789 until 1807 the Federal Government levied duties on imported salt and paid allowances, in lieu of drawback, on fish and meat cured with foreign salt and then exported. This allowance, or bounty, primarily affected the cod fisheries⁷⁹, which used large quantities of imported salt. The bounty as revived in 1813 applied only to the

fisheries. Earlier increases in the bounty payments had represented adjustments to higher salt duties, but beginning in 1828 the duty was lowered while the bounty remained unchanged. It became in effect a true bounty, the continuance of which until 1866 was justified on the ground that the northeastern fisheries needed financial aid to serve as a "nursery for seamen."

[*Senate Documents*, 26 Cong., 1 Sess., No. 368.]

F. HARDEE ALLEN

Fishing Creek, Action at (Aug. 18, 1780). Col. Banastre Tarleton, under Lord Cornwallis, pursued Gen. Thomas Sumter to his encampment at Fishing Creek, S. C., near the Catawba River. Completely surprised, the Americans were routed, losing more than 50 killed and 300 taken prisoners. This defeat laid South Carolina open to royalist troops with Marion, the "Swamp Fox," their only remaining foe. (See also *Southern Campaigns*, 1780-81.)

[W. A. Ganoe, *The History of the United States Army*; Oliver L. Spaulding, *The United States Army in War and Peace*.]

ROBERT S. THOMAS

Fishing Creek Confederacy is the name given to local disturbances in the Fishing Creek Valley mainly in Columbia County, Pa., in 1864. These grew out of draft^{ed} resistance and may have had some connection with the Knights of the Golden Circle^{ed}. It was reported at the time that a fort had been built by recalcitrant drafted men and Confederate sympathizers in the mountain fastnesses of the northern end of the county, and Federal forces were dispatched to deal with the emergency, in all about two battalions of infantry and some artillery. The "fort" was never found but Maj. Gen. George Cadwallader asserted his belief that the draft resisters had one or two field pieces. There was certainly a little half-hearted military preparation to resist the Federal troops, but it came to nothing. There is no doubt that ardent Republicans in the county co-operated with Federal troops, who were guilty of some abuse of civilians. A number of citizens were arrested, including the county treasurer and sheriff, but only a few were convicted by court-martial^{ed}. One paid his fine, one was pardoned by Lincoln and the rest by Andrew Johnson.

[John G. Freeze, *History of Columbia County*; J. H. Battle, *History of Columbia and Montour Counties*.]

JOHN BAKELESS

Fisk Overland Expeditions (1862-66). The rush of gold prospectors to the Montana and Idaho mines led the Federal Congress in 1862 to authorize an armed escort for a proposed emigrant train going from St. Paul^{ed}, Minn., west-

ward through the Indian country. Capt. James Liberty Fisk, who was familiar with much of the Dakota territory, led this expedition by way of Forts Abercrombie, Union and Benton to the Deer Lodge and Bannock mines. In 1863 he led a second expedition to Virginia City.

In 1864 Fisk followed in the rear of Gen. Alfred Sully's^{ed} punitive expedition against the Indians as far as Fort Rice on the Missouri River. Here he struck directly west toward the Yellowstone and Big Horn rivers, where he hoped to develop a new gold-mining and agricultural region. After being attacked in the hilly country south of the North Dakota Badlands by the Sioux^{ed} he was rescued by a detachment of Sully's army and brought back to Fort Rice. In 1866 Fisk led an expedition of miners and home-seekers to Helena, Mont. There they disbanded to merge with the population of the rapidly developing territory. Later Fisk's overland trails were revived when the Great Northern Railroad^{ed} was built along the route he had followed to the Montana mines.

CHARLES JAMES RITCHEY

Fitch's Steamboat Experiments. John Fitch claimed to have projected the steam engine^{ed} before he heard of similar plans by other inventors. In 1785 he made a model and sought funds from Congress and the Virginia Assembly. Though he found only polite interest and encouragement from these bodies he eventually received, from New Jersey in 1786 and from Virginia, Delaware, Pennsylvania and New York in 1787, the exclusive rights to steam navigation in their waters for fourteen years.

In April, 1786, he organized a joint-stock company in Philadelphia. An engine was built by Henry Voight, a watchmaker, and installed on a small boat to drive twelve paddles, six on a side. The vessel was successfully tried out, Aug. 22, 1787, on the Delaware River with members of the Constitutional Convention looking on. A more powerful boat went upstream to Burlington in July, 1788, but there the boiler broke down. William Thornton, the architect of the United States capitol, now entered the company. After various heartbreaking experiments a third boat proved to be a mechanical success and in the summer of 1790 it made regular runs to Trenton, but failed to earn expenses. However, a United States patent was granted to the company in 1791. A fourth boat was begun, but was wrecked by a storm. Fitch and Voight quarreled, and their associates, discouraged of making profits, did not continue the enterprise.

[Thompson Westcott, *Life of John Fitch*; Thomas Boyd, *Poor John Fitch*.]

LELAND D. BALDWIN

Five-and-Ten-Cent Stores are also called limited-price variety stores with the upper limit sometimes at one dollar or five dollars. Variety stores were numerous before the Civil War but limited-price variety stores were not, since the custom of marking prices on merchandise had not become generally established. On Feb. 22, 1879 Frank W. Woolworth opened a store in Utica, N. Y., stocked with items limited in price to five cents. By 1912 he had a chain of stores. In that year Mr. Woolworth combined his stores with those of S. H. Knox and Company, F. M. Kirby and Company, E. P. Charlton and Company and N. H. Moore. This merger included 596 individual stores.

While these men were establishing their chains others were also being organized. J. G. McCrory opened a store in Scottsdale, Pa., in 1882 and laid the foundation for the McCrory Stores Corporation. One of Mr. McCrory's employees, S. S. Kresge, founded in 1897 what was to be the second largest chain of five-and-ten-cent stores. S. H. Kress & Company was established in Memphis, Tenn., in 1896. By 1913 these four organizations owned 1004 stores with sales of \$95,657,000 for the year. These companies continued to expand after the World War and their stores became established meeting places of farmers and townsmen.

In 1929 the number of variety stores with a one-dollar price limit was 12,110. Of these 6603 were independently owned or members of local branch systems. The chain store²⁶ systems had 5377 stores. The volume of sales for all variety stores was \$904,147,495, but here the chains and independents were not so evenly matched. Ninety per cent of the sales were made by the chain stores.

The F. W. Woolworth Company has expanded this branch of retailing to foreign countries. In 1909 this company opened its first store in Great Britain and in 1927 a store was established in Bremen, Germany. The company also operates stores in Canada and Cuba. More recently the H. L. Green Company has made preparations to open stores in Great Britain. In 1936 the Woolworth Company operated 677 stores in Great Britain, 82 in Germany and 1998 in Canada, Cuba and the United States. The sales of this company are now regarded as a business barometer. The four largest companies, Woolworth, Kresge, Kress and McCrory had 3145 stores in 1936 and sales amounting to \$566,913,015 which was about 1% less than their sales for the peak year 1929.

FRED M. JONES

Five Civilized Tribes is the term used in modern times to designate collectively the Chero-

kee, Creek, Choctaw, Chickasaw and Seminole²⁷ tribes of Indians. The name was first used officially in the report of the commissioner of Indian affairs in 1876 which contained a statement that each tribe 'had a constitutional government, with legislative, judicial, and executive departments conducted on the same plan as our state governments.' These Indians were removed principally from 1830 to 1840, in part voluntarily, but mainly by force (*see Indian Removal*), from the Gulf states to the Indian Territory²⁸, where they received their communal lands in fee simple by grant from the Government. Intermarried somewhat with the whites, they copied their institutions, including school systems and all but the Seminoles had their laws codified and printed. They adopted the life of the agriculturalist and herdsman and maintained an orderly state of society.

While they resisted efforts to consolidate them under a common government, either Indian or territorial, they met annually after the Civil War in international council to consider matters of general concern. Infiltration of thousands of white intruders created difficult problems of government. To meet changing conditions, in 1889 Congress extended the laws of Arkansas over the Indian Territory, and in 1893 created a commission (*see Dawes Commission*) that negotiated treaties under which these Indians were enrolled, their lands allotted to them in severalty, and tribal governments dissolved. Their domain comprised substantially the eastern half of Oklahoma, most of which the allottees sold to white people. They are now citizens of Oklahoma.

[F. W. Hodge, *Handbook of American Indians*]

GRANT FOREMAN

Five-Five-Three Ratio. *See* Washington Conference on the Limitation of Armaments.

Five Forks, Va., Battle of (April 1, 1865), was the direct cause of the evacuation of Richmond. Gen. P. H. Sheridan (U.) when driven back on March 31 concentrated at Dinwiddie Court House, so disposing his superior forces as to require extended deployment by the Confederate troops. On April 1 Sheridan's superior force successfully attacked Pickett (C), capturing much artillery and many prisoners. The evacuation of Richmond followed the next day (*see Appomattox*).

[*Battles and Leaders of the Civil War*, Vol. IV.]

THOMAS ROBSON HAY

Five Nations, THE, were the Mohawks, Oneidas, Onondagas, Cayugas and Senecas²⁹ of New

York consolidated as a confederacy. In 1722 the Tuscarora[™] tribes of North Carolina were conditionally admitted but without vote in the confederate council. After this date the English referred to the group as the Six Nations. The French called the Five Nations the Iroquois League[™].

[William M. Beauchamp, *History of the Iroquois*.]

ARTHUR C. PARKER

Five-Power Naval Treaty, THE (1922), was one of seven treaties negotiated at the Washington Conference on Limitation of Armaments[™] and related to Far Eastern questions. Settlement of the latter, principally through the Four-Power and Nine-Power treaties[™], made possible the Naval Treaty of Washington[™], signed on Feb. 6, placing limitations upon capital ships, aircraft carriers and Far Eastern naval bases. Aggregate battleship tonnage was restricted to 525,000 for the United States and Great Britain, 315,000 for Japan and 175,000 for France and Italy. This quota required the United States to scrap twenty-eight capital ships then building or completed. Competitive building of cruisers, destroyers and submarines continued until the 1930 London Treaty[™].

[*Official Report of the American Delegation: Conference on the Limitation of Armaments*.]

DUDLEY W. KNOX

Five-Twenties, THE, were a large issue of United States bonds sold during the Civil War. Redeemable after five, payable after twenty years, they bore 6% interest. Proposals to redeem them with greenbacks[™], since no specific provision for payment in gold had been made, resulted in much controversy.

[D. R. Dewey, *Financial History of the United States*.]

CHESTER MCA. DESTLER

Five Villages, THE, was a group of Indian villages situated on the west side of the Missouri River, in an area now included in southern Mercer and northern Oliver counties, N. Dak. The Indians belonged to the Mandan[™] and Hidatsa tribes, were sedentary in habits, lived in large, well-built earth lodges, and had cultivated fields. Each of the villages was surrounded by a ditch and palisade as a defense against their hereditary enemies, the Dakotas.

One of them, on the site of the present city of Stanton, was the home of the Bird Woman. The oldest, occupied by Hidatsa Indians, was located near the mouth of the Knife River. It was probably already occupied when Verendrye[™] visited the Hidatsa villages east of the Missouri River in 1738. The Mandan Indians occupied two of these

villages a short distance south of Stanton, at the present sites of Deapolis and Fort Clark, respectively. The white traders along the Missouri River, and to the north and east, made the Five Villages their principal rendezvous, as did also the travelers on the upper Missouri.

As early as 1772 the Hudson's Bay Company had traders here, and they were followed, after 1787, by the traders of the North West Company[™] and of the X Y Company. When the Lewis and Clark expedition[™] reached this point in 1804, they found traders from all three of these companies doing a thriving business.

In 1837 smallpox practically wiped out the Five Villages. The survivors joined forces and built several villages farther up the Missouri River until they found refuge from their enemies, the Dakotas, at the old trading post of Fort Berthold.

[Maximilian, Prince of Wied, *Travels in the Interior of North America; Collections of the State Historical Society of North Dakota*, Vol. I.]

O. G. LIBBY

Flaco's Ride (Sept. 24-30, 1846). Aug. 13, 1846, Los Angeles surrendered to Commodore Robert F. Stockton. Misled by the ease of his triumph, the commodore, early in September, left the pueblo in charge of Capt. Gillespie and a force of fifty men. Shortly afterwards the southern Californians took up arms and besieged Los Angeles. John Brown, or *Juan Flaco* (lean John), as he was commonly called, eluded the besiegers and in less than five days' actual riding time carried a request for aid 500 miles to San Francisco.

[H. H. Bancroft, *History of California*.]

OSGOOD HARDY

Flag, The Presidential, was first designed in 1882. The present flag, designed by the Navy at the direction of President Wilson and approved 1916, consists of a blue field (star in each corner), and thereon a slight modification of the Great Seal[™] of the United States. It is flown particularly on presidential visits to naval vessels and military stations.

[*Official Archives*, War and Navy Departments; *Description of United States Flags*, Navy Department.]

LELAND P. LOVETTE

Flag Day (June 14). President Wilson in 1916, and President Coolidge in 1927, suggested and requested in proclamations addressed to "fellow-countrymen" that June 14 be observed as Flag Day. The date marks the anniversary of the adoption by Congress of the "Stars and Stripes" as emblem of the nation. Official recognition of

the flag birthday is the result of efforts of various individuals and organizations since 1885.

[James A. Moss, *The Flag of the United States: Its History and Symbolism*.]

LELAND P. LOVETTE

Flag of the Confederate States. See Confederate Flag, The

Flag of the United States, THE, is among the oldest of the national standards of the world and in its development to a flag with forty-eight stars it embodies the military, naval and political history of the United States from the struggling colonies to the present day

On June 14 1777, the Continental Congress^{re} resolved. "That the flag of the thirteen United States be thirteen stripes, alternate red and white, that the union be thirteen stars white in a blue field representing a new constellation." This flag, flown by Capt. John Paul Jones in the *Ranger*, received its first salute from a foreign state at Quiberon Bay, France, Feb. 14, 1778.

Vermont and Kentucky, after being admitted to the Union, made strong requests to be included in the symbolism of the flag. Congress provided from the first day of May, 1795, that the flag of the United States be fifteen stripes; that the union be fifteen stars in a blue field. For twenty-two years the flag of 1795 was hoisted ashore and afloat over civilian, military and naval activities. It was the conquering flag in thirteen out of eighteen naval battles of the War of 1812^{re}. It inspired in 1814, at Fort McHenry, Md., the words of the immortal "Star-Spangled Banner."^{re}

As time went on little uniformity was shown in the number of stripes in the flag. On April 4, 1818, President Monroe signed a bill providing from July 4, 1818: "The flag of the United States be thirteen horizontal stripes of alternate red and white; that the union have twenty white stars in a blue field; that one star be added on the admission of every new state in the Union. . . ." The exact proportions were finally established by executive order of Woodrow Wilson in 1916.

In 1912 Arizona reached the status of statehood, thereby giving the flag its present number of forty-eight stars.

Neither the Federal Government nor the states have enacted any laws as to the manner of displaying or saluting the flag. Navy, Army and Coast Guard have explicit regulations as to the display and honor to be rendered the flag. It has been left to the states of the Union to provide legislation to prevent misuse, abuse and desecration of the flag. All states and the District of Columbia have laws to this effect.

The best opinion and collected usage on flag

etiquette is set forth in the Flag Code adopted 1923 and endorsed 1924 as a result of the National Flag Conference, convened by the American Legion at Washington in Continental Memorial Hall of the D. A. R. and directing that the flag should only be displayed from sunrise to sunset on buildings and at flagstaffs in the open. When the flag passes all persons should face the flag, stand at attention, holding headdress on the left side, women to place right hand over heart

The flag and its stars symbolize an inspiring story of territorial expansion, for today the sun never sets on the American flag that flies over a domain of about 4 000,000 square miles.

[George Preble, *A History of the Flag of the United States*, Harrison Summers Kerrick, *The Flag of the United States, Your Flag and Mine*.]

LELAND P. LOVETTE

Flags: State, City, Military and Naval. Each state of the Union has a distinctive flag. In most of the flags of the original thirteen states some memorial of colonial or Revolutionary history is incorporated. Virginia, for example, has a seal only one day younger than the Declaration of Independence^{re}. Maryland's flag bears the shield of Lord Baltimore's coat of arms. That of Massachusetts is a representation of the famous "Pine Tree" flag^{re} flown by Washington's first navy. The state flag of Texas with the "Lone Star" is similar to that adopted by the congress of the Texas republic in 1839. The Daughters of the American Revolution^{re} have designed and secured the adoption of many flags of the newer states. That of New Mexico was adopted in 1925.

Most large cities, such as New York, Chicago, Baltimore, have city flags. The city of New York has as an official emblem a flag combining the colors of the United Netherlands with the municipal seal under which English authority replaced the Dutch. The flag of the District of Columbia is symbolic of the coat of arms of the Washington family.

The President, Vice-President and Cabinet officers have distinctive flags for official use. The Navy Department personal and command flags are: Admiral, Vice-Admiral, Rear Admiral, Broad Command pennant, Burgee Command pennant, Senior Officer Present pennant, the Commission pennant and Naval District command flags. There are numerous miscellaneous special flags such as the Church pennant, etc. The Naval Reserve has both merchant marine flag and yacht pennant, the Naval Militia a Commission pennant and a distinguishing flag. The Marine Corps^{re} has distinct colors, regimental flags and flags for general officers in boats or at posts.

The War Department provides personal flags for the Chief of Staff and generals of General Staff, also distinctive flags for army transports, Quartermaster Corps, Engineer Corps, Signal Corps and Ordnance Department. Fringed United States flags are permitted infantry and cavalry, but are not to fly from flag poles. The banners (United States flag) of infantry are called "colors"; of cavalry "standards"; of the navy "ensigns."

The Coast Guard uses United States ensign in same manner as Navy but flies the Coast Guard ensign at fore as distinguishing flag. This service has a flag for Commandant, also Broad Command, Senior Officer and Commissioned penants. The following government offices have distinct flags: Immigration Service, Public Health Service; under Commerce Department, Bureau of Marine Inspection and Navigation, Light House Service, Bureau of Fisheries, Coast and Geodetic Survey.

Foreign Services (diplomatic and consular) have no flag other than consular flag.

[*Flags of the United States and Other Countries*, Hydrographic Office, United States Navy Department, Washington, D. C.; George Earle Shankle, *State Names, Flags, Seals, Songs, Birds, Flowers, and Other Symbols*.]

LELAND P. LOVETTE

Flanders Fields, In. This phrase takes its special connotation from the poem by John McCrae, Canadian soldier-poet, killed in France in 1918. Referring to the soldiers buried there, the poem concludes. "If ye break faith with us who die we shall not sleep, though poppies grow in Flanders fields."

JOHN HALL WHEELLOCK

Flat River Lead-Mining District. See Ste. Genevieve Lead-Mining District.

Flatboatmen. Flatboating was an occasional rather than a full-time occupation. Flatboatmen were usually farmers or laborers out to see the country or to dispose of the products of their farms. All river cities were important terminals for flatboat commerce, but the most important was New Orleans. Flatboatmen often made annual voyages and there were probably few who did not make the journey more than once. They bore a reputation for thievery, debauchery and quarrelsomeness that probably should have been applied only to part of them, but their battles with keelboatmen[™] are well known.

Wages varied greatly but were usually about fifty dollars for the voyage. In the early years flatboatmen returned north by sea or by the Natchez Trace[™], and in later years by steamboat. Many of them died by disease or violence or the

perils of the voyage. Doubtless also many of those who made the voyage returned home to bring their families west or south.

Besides the regular flatboatmen there were the immigrant families on their way downstream who shared with the flatboatmen the distrust of the shore dwellers. Another class of flatboat people made annual voyages on boats fitted up as stores and outfitted with goods for sale to the farmers and to the people in the smaller settlements (see Store Boats).

[L. D. Baldwin, *Keelboat Age on Western Waters*.]

LELAND D. BALDWIN

Flatheads, THE, were a sturdy tribe of Indians living in western Montana. Curiously enough, while other Indians of the Northwest flattened their heads, the tribe known in history by this designation did not practice this custom. They gained fame for their reputed delegation of 1832 (now much discredited) to St. Louis, which so stimulated zeal for missions to the Indians of the Northwest. They are best described in the writings of Father P. J. DeSmet, the "Apostle to the Flatheads" during the 1840's.

[H. M. Chittenden and A. T. Richardson, eds., *Life, Letters and Travels of Father Pierre-Jean DeSmet*]

DAN E. CLARK

Fleet, The United States, created by a Navy Department order of Dec. 6, 1922, which combined the Atlantic and Pacific Fleets under one command and in one organization, is an outgrowth of over a century of naval development.

The navy in the Revolution[™] employed a total of 73 vessels of all descriptions, but through capture, shipwreck and sale, owned but one vessel, the frigate *Alliance*, when peace was declared. She, too, was sold in 1785. Congress provided for a few ships and a navy by an act of March 27, 1794. Their number grew until 1812 when the navy possessed 25 vessels of different categories in addition to 172 small gunboats[™] authorized by Congress in Jefferson's administration. These gunboats were practically useless during the War of 1812[™] and most of them were sold immediately after the war. But, besides the gunboats, during the war the navy had grown to 101 vessels, not including the 518 privateers[™] that preyed on British commerce.

After the War of 1812 the Government saw the necessity of providing permanent naval stations in various parts of the world for the protection of American commerce. In 1820 the Navy Department reported four vessels in the Mediterranean, one in the Pacific, one in the China Seas, two on the coast of Africa, two on the east coast of South America, and five in the Gulf of

Mexico. From this time until the Civil War, small fleets, varying in numbers, were kept on these stations, except that on the coast of Africa no permanent naval force was kept until 1843.

In 1861, at the outbreak of the Civil War, the Federal Government ordered nearly all her ships home for blockade⁷⁷ duty. The navy then possessed but 91 vessels, 38 of which were steamers. But this force was expanded rapidly by purchase and construction in the navy yards and in private shipyards. The fleet was divided into the North Atlantic Blockading Squadron, the South Atlantic Blockading Squadron, the East Gulf Blockading Squadron, the West Gulf Blockading Squadron, the Potomac Flotilla, and the Mississippi Squadron. From time to time ships were detached from these squadrons for the pursuit of Confederate raiders. At the close of the war the Federal navy possessed 681 vessels, 572 of which were steam-propelled. After the war, on April 23, 1866, the Navy Department divided the nation's naval force into six squadrons: the North Atlantic Squadron, the European Squadron, the South Atlantic Squadron, the South Pacific and North Pacific Squadrons (consolidated in 1869) and the Asiatic Squadron. This organization continued with but few changes until the War with Spain, when the European Squadron was abolished.

The close of the Civil War ushered in a period of naval decay. The powerful Civil War fleet was for the most part either sold or allowed to rot in harbor. The few ships remaining to the navy rapidly became obsolete. But on Aug. 5, 1882, Congress authorized the construction of three steel war vessels and one armed despatch-steamer. These vessels became the *Boston*, *Atlanta*, *Chicago* and *Dolphin*, the beginning of the famous White Squadron⁷⁸. On Aug. 3, 1886, Congress authorized the construction of two more steel vessels, both to be armor-clad. These were named the *Maine* and the *Texas*. At the outbreak of the War with Spain⁷⁹ in 1898 the squadron had grown to 111 serviceable ships of all classes, and included 4 first-class battleships, 2 second-class battleships, 2 armored cruisers and 13 protected cruisers. At the close of the war the fleet had expanded to 239 serviceable vessels of all classes. But most of the additions made during the war were in the small categories. Seventeen battleships of the dreadnought⁸⁰ type were built by the United States between 1905 and the outbreak of the World War. On Jan. 1, 1917, the navy numbered 349 vessels of all classes, including 37 battleships, 10 armored cruisers, 5 first-class cruisers, 4 second-class cruisers, 16 third-class cruisers and 50 serviceable destroyers.

In 1901, after the War with Spain, the European Squadron was re-established, but both the European and South Atlantic Squadrons were abolished in 1905. In 1907 the United States Atlantic Fleet, the United States Pacific Fleet, the United States Asiatic Fleet and the Special Service Squadron were organized. The heavy concentration of forces in European waters disrupted this organization in 1917, but it was resumed after the World War.

The object of the reorganization in 1922 was to promote closer co-ordination of effort and uniformity of practice. Under this order the United States Fleet operated under the general direction of the Chief of Naval Operations, and under the immediate direction of the Commander in Chief of the United States Fleet, an officer who held the temporary rank of admiral. The fleet was, and still is, made up of every type of craft, and with the exception of the Asiatic Fleet in the Orient, the Special Service Squadron in the Caribbean, and small forces on special duty, included all the vessels of the navy in active commission.

For greater facility in operation and administration the fleet was organized into four divisions: the Battle Fleet, the Scouting Fleet, the Control Force and the Fleet Base Force. The Battle Fleet, which would naturally be opposed to any enemy main fleet in wartime, was composed of battleship divisions, light cruiser divisions, destroyer squadrons, aircraft squadrons and submarine divisions. The Scouting Fleet, whose duty it was in wartime to locate the enemy's fleet and later to join in action with the Battle Fleet, was composed of battleship divisions, light cruiser divisions, destroyer squadrons, aircraft squadrons, submarine divisions and auxiliary vessels such as repair ships, supply ships, oilers and ammunition ships. The Control Force, whose duty it was to aid in the seizure of bases and to exercise control of the sea once it was gained, was composed of cruiser divisions, destroyer squadrons and mine squadrons. The Fleet Base Force, whose duty it was to defend established fleet bases, was composed of mine squadrons, destroyer squadrons, aircraft squadrons and supply, repair and ammunition ships.

To make for even greater unity in command the United States Fleet was reorganized by a Navy Department order of April 1, 1931, and by supplemental orders of May 13, 1935, and Oct. 30, 1937, into four major forces: the Battle Force, the Scouting Force, the Submarine Force, the Base Force, and, in addition, a Training Detachment made up of battleships and destroyers in reduced commission. The Battle Force as

now organized (1939) is made up of battleships, light cruisers, destroyers, aircraft carriers, aircraft and mincraft. Its duties comprise those of the former Battle Fleet and the Control Force. The Scouting Force is made up of heavy cruisers, aircraft and the fleet air bases at Coco Solo and Pearl Harbor^o. Its duties correspond approximately to those of the former Scouting Fleet. The Submarine Force is made up of all the submarines of the fleet, and of the submarine bases at New London, Coco Solo and Pearl Harbor. The Base Force is made up of all the fleet's auxiliary vessels, and of all base and general supply facilities. The Training Detachment was organized for the training of men in the Naval Reserve and for practice cruises for the midshipmen of the Naval Academy.

The United States Fleet has no fixed base. The major part of it is kept off the California coast (1939), but it makes frequent cruises into the Atlantic and other areas. The various units of the fleet meet annually for about three months of each year for maneuvers, drills and gunnery exercises.

Besides the three battleships in the Training Detachment, the United States Fleet is made up at the present time (1939) of twelve battleships, five aircraft carriers, seventeen heavy cruisers (ships of 10,000 tons displacement and equipped with 8-inch guns), seventeen light cruisers (ships of under 10,000 tons displacement and equipped with 6-inch guns and torpedo tubes), one hundred two destroyers and fifty-three submarines.

[Sen. David I. Walsh, The United States Navy, *Senate Document No. 35*, 75th Congress, 1st Sess.; R. P. Erdman, *Reserve Officer's Manual*, *United States Navy*.]

LOUIS H. BOLANDER

Fleetwood, Battle at. See Brandy Station, Battle of.

Fletcher v. Peck (1810) was a Yazoo land fraud^o case in which the opinion was written by Chief Justice Marshall. Through various fraudulent activities the legislature of Georgia had been persuaded to authorize (1795) the issuance of grants of certain land belonging to the state. A later legislature passed an act (1796) annulling these grants on the ground of fraud. Meanwhile, a part of the land passed through several innocent holders to one Peck who conveyed to Fletcher with a covenant that the title had not been impaired by the subsequent act of the Georgia legislature. Fletcher sued Peck for a breach of this covenant. The question before the Court was whether or not the original grant by Georgia was a contract^o whose obligation was

impaired by the later legislation of Georgia. Chief Justice Marshall held that the term contract included executed contracts as well as executory because an executed contract contains obligations binding on the parties; and that it applies to a grant from the state as well as to executed contracts between individuals; that as a contract it was not voidable in the hands of an innocent third party; and that therefore there was no breach of covenant by Peck. (*See also* *Dartmouth College v. Woodward*; *Sturges v. Crowninshield*.)

[A. J. Beveridge, *The Life of John Marshall*.]

HUGH E. WILLIS

Flexible Tariffs are designed to conform to changing conditions, usually through executive rather than legislative action. The President, by the tariff acts of 1922 and 1930 (secs. 315, 336), was granted power to change rates of duty, after Tariff Commission^o investigation, in order to equalize costs of production. The flexibility injected into the tariff by this procedure has been small. The reciprocal trade agreements^o have been a more effective means of executive tariff-making.

[Mark A. Smith, The United States Flexible Tariff, in *Explorations in Economics*.]

FRANK A. SOUTHARD, JR.

Floating Batteries, or heavily armed vessels covered with protective armor, but with comparatively weak motive power, were used in this country as early as 1776, when a floating battery carrying 116 men was used in the Delaware in the defense of Philadelphia. In 1807 Abraham Bloodgood designed a circular revolving floating battery. Col. John Stevens also designed a saucer-shaped ironclad^o for use in the War of 1812^o. Neither was ever built. Construction was begun in 1812 on a floating battery, called a block-ship, to carry forty-two guns, in Lake Ponchartrain, La., for New Orleans' defense, but was never quite finished.

The first steam warship in the world, the *Demologos*^o, built by Robert Fulton in 1814-15, should be considered a floating battery, as should the "Stevens Battery," plans for which were submitted to the Government in 1842 by the brothers, Robert L. and Edwin A. Stevens. Construction was begun on this vessel in 1854, but it, too, was never completed. In 1843 Theodore R. Timby applied for a patent on a "Metallic Revolving Fort" to be used on land or water. The revolving turret of John Ericsson's *Monitor*^o embodied Timby's ideas. Early in 1861 Capt. John Randolph Hamilton constructed a floating battery

at Charleston with a sloping side, facing the enemy, protected with railroad iron. In the attack on Fort Sumter⁷ this battery threw 470 shot, which enfiladed the fort at about 2100 yards. The return fire from Sumter did comparatively little damage.

[J. P. Baxter, *The Introduction of the Ironclad Warship*; William Hovgaard, *Modern History of Warships*.]

LOUIS H. BOLANDER

Flogging or whipping was a common form of punishment during the colonial period. Originally, the "knout," constructed of knotted rawhide, was used, but was later replaced by the "cat o' nine tails," which consisted of several bound leather strips.

Before the development of a prison system, offenders who were flogged received no additional punishment. But when prisons⁸ came into being, malefactors frequently received a dual sentence. They were first whipped and then incarcerated for a short term. Subsequently, the realization that flogging tended to cripple or mark its victims permanently led to its abolishment. The Quakers, at the close of the 18th century, were the first to discontinue its use, but after the Revolutionary War there was a marked general tendency to eliminate the whipping post.

However, flogging is still utilized (1939) in Delaware and Maryland. Delaware inflicts that punishment usually prior to a prison sentence, for a number of offenses. Maryland had abandoned the whipping post more than forty years ago, but in 1933 decreed that wife beaters should be flogged at the discretion of the judge.

Ever since prisons had been instituted, flogging had been a common form of punishing recalcitrant prisoners, and up to the turn of the century many penal institutions, in fact, had whipping posts. Gradually, however, prison authorities have concluded that, as a method of punishment, flogging is inconsistent with scientific penological principles. None the less, today, many prisons, largely in the South, openly admit the use of flogging, while still others apply it surreptitiously.

LEWIS E. LAWES

Flood Control. The control of floods in the United States began in the early 1700's by means of the construction of levees, for which there was adequate precedent on European rivers such as the Po, Danube and many others. The rich bottom lands along the lower Mississippi River enticed new settlers to start plantations adjacent to the river banks in the alluvial flood plain subject to inundation by periodic floods, and attempts were made to control these floods by the

construction of private levees. As the lands were settled farther up the river the levees were extended upstream. The difficulty of constructing and maintaining an adequate levee system by the individual riparian owners providing their own levees became so great that state aid was soon required, and as the levees extended through to several states, the agitation for Federal assistance grew.

In 1852 Charles Ellet, after a study of the Mississippi River problem, recommended that reservoirs and diversion channels be provided in addition to the levee system⁹. Later Humphreys and Abbott made a more comprehensive study and in 1861 recommended a program of levees only for flood control. Their recommendation was subsequently adopted by the Mississippi River Commission, organized in 1879, and by the Army Engineers¹⁰, in which was vested the work of flood protection on behalf of the Federal Government.

After succeeding floods, the levees were built higher and higher only to be breached time and again, requiring raising levee grades first on one side of the river and then on the other, which in turn resulted in higher floods and still higher levees. Following a flood in 1927, larger than any preceding, the Jadwin plan of flood protection was adopted by the Federal Government, involving an estimated expenditure of \$312,000,000 and calling for raising and strengthening the levees and also for diversion channels. However, in 1936 another flood breached the levees in many places, and as the levees had by now reached a height which was considered the limit for safety, plans for reducing flood heights were agitated, including cutoffs and, especially, detention reservoirs.

The first use of reservoirs for flood prevention on any extensive scale was that of the Miami Conservancy District in Ohio, which was created after the flood of 1913. Five large detention reservoirs on tributaries of the Miami River, together with some channel straightening, were constructed at a cost of about \$35,000,000, which have not only protected Dayton from all flood damage but also have increased property values to more than equal the cost. A somewhat similar plan was constructed at Pueblo, Colo., following the flood of 1921. Other plans for flood control are those on the Winooski River in Vermont, the Muskingum River in Ohio, recently completed, and on the San Joaquin and Sacramento rivers now under construction.

The principle of a multi-purpose project was first used on the Boulder Dam¹¹, completed in 1925. This reservoir was designed jointly for flood

control and the generation of power. The Tennessee Valley Authority⁷⁰, created in 1933, adopted for the first time a scheme for the development of an entire river for the maximum benefits of flood control, navigation and the generation of power.

[Arthur E. Morgan and Carl A. Bock, 1917 and 1918, Technical Reports, *Miami Conservancy District*, Dayton, Ohio; *Report of Chief of Engineers*, United States Army, 1931, Control of Floods in the Alluvial Valley.]

ARTHUR E. MORGAN

Floods. In America the history of floods centers around the Mississippi River⁷¹. When DeSoto⁷² first discovered this river in 1541 it was then experiencing a major flood, and when LaSalle⁷³ saw it in 1682 it was again in flood. In those years the bottom lands were sparsely inhabited by Indian tribes who built earth mounds as refuge stations for times of flood, and it was not until the settlement of the lower reaches of the river by the white man in the early 1700's that floods became a serious problem. Since the first flood of record on the Mississippi River in 1718 there have been major floods in some thirty different years, the outstanding occurring in 1785, 1844, 1927 and 1936. The flood of 1927 topped all previous records. The levees were breached in many places, and damage from this flood alone was over \$300,000,000. (See Flood Control.)

The Ohio also has a record of some twenty major floods dating from 1806, that of 1884 being the greatest until 1936. Engineers had realized the possibility of still larger floods and in 1911 had proposed a comprehensive plan of flood protection for Pittsburgh, which is particularly vulnerable because of its position at the conflux of the Allegheny and Monongahela rivers. In 1936 a flood on both of these rivers coincided and created a stage at Pittsburgh several feet higher than ever before experienced, flooding the main section of the city and causing a loss of 470 lives and \$500,000,000 of property. The most disastrous flood on the Ohio occurred in 1937, when heights never before reached occurred over the entire lower stretch of the river, flooding large parts of the main portions of Cincinnati, Louisville, Evansville and practically all of Paducah, with a loss of 436 lives and \$550,000,000 of property. At Cairo water came within inches of overtopping the levee, and this city was saved only by the reduction of flood waters by reservoirs in the Tennessee River Basin and the opening of fuse plug levees which placed the New Madrid floodway in operation.

Other major floods on important rivers in the United States include that of 1913 on the Miami River, which flooded a large part of Dayton,

causing the loss of 361 lives and destruction of \$100,000,000 worth of property. This flood resulted in the creation of the Miami Conservancy District, perhaps the most successful flood control project ever constructed. A similar result followed a disastrous flood on the Colorado River in 1921 at Pueblo, Colo., where a flood-control project now protects Pueblo from future floods by means of a reservoir and channel improvement. California has had many disastrous floods, especially on the Sacramento and San Joaquin rivers, resulting in the inauguration of the Central Valley Flood Control District. New England also has had its share of devastating floods, which have resulted in protective works, particularly after the 1927 flood on the Winooski River in Vermont. Again in 1936 major floods on the Connecticut and other rivers caused the death of over 171 people and property damage of \$500,000,000.

Not all floods have been caused by river overflow, as perhaps the most devastating flood in the United States was that which occurred at Galveston⁷⁴ in 1900, caused by a Gulf storm that raised the water level several feet over the city. In this flood 6000 lives were lost and the entire city was practically wiped out, but it was rebuilt and is now protected by a sea wall from a similar occurrence. The well-known Johnstown flood⁷⁵ of 1889 was caused by the failure of a reservoir on the Conemaugh River in western Pennsylvania. Waters released from the break in the dam rushed through the narrow valley, taking people completely by surprise, and resulted in the loss of 2200 lives and property damage of over \$12,000,000. There have been other failures of man-made water control works, but none so devastating as this.

[Lowell Thomas, *Hungry Waters*.]

ARTHUR E. MORGAN

Floor Leader. THE, is a senator or representative in Congress who acts as the leader of his party on the floor of the house of which he is a member. Originally there was such a recognized floor leader only in the House of Representatives and only for the majority party, his function being to assist the Speaker⁷⁶ in arranging and pushing through the legislative program; he was informally designated by the Speaker, and generally held also the chairmanship of the Committee on Ways and Means, although occasionally the chairmanship of the Committee on Appropriations. Gradually each party group in both houses became more firmly organized, so that since the reduction of the Speaker's power in 1910-11, floor leaders have been more formally chosen for each party

by the respective party caucuses⁷⁷ in each house.

There is now therefore a majority leader and a minority leader in both the Senate and the House of Representatives, whose chief function is to direct the parliamentary strategy of his party. The position has become so important, particularly in the House, that neither the majority nor the minority leader in that body takes a post on any standing committee, but devotes his whole time to leading the party. Among the floor leaders have been Senators Henry Cabot Lodge, Joseph T. Robinson and Charles L. McNary; and Representatives Thomas B. Reed, Joseph G. Cannon, Oscar W. Underwood and Nicholas Longworth.

[D. S. Alexander, *History and Procedure of the House of Representatives*; George R. Brown, *The Leadership of Congress*, Paul D. Hasbrouck, *Party Government in the House of Representatives*, C. W. Chu, *The Speaker of the House of Representatives since 1896*.]

CLARENCE A. BERDAHL

Florida became part of the United States, July, 1821, under the terms of the Adams-Onís Treaty⁷⁸, negotiated Feb. 22, 1819. Andrew Jackson, first American governor, was practically a military executive, being given, with certain limitations, all the powers formerly exercised by the captain general and intendant of Cuba and the Spanish governors of East and West Florida⁷⁹.

Congress authorized a territorial government in 1822 under which there was an appointive legislative council of thirteen members. This body was made elective in 1826 and its membership later increased. The abandoned Indian town of Tallahassee was made the capital in 1824.

Settlement of Florida was rapid during the first fifteen years of American rule. Numerous plantations were opened, many towns founded and construction was begun on two short railroads. The legislative council chartered a number of banks and to give them lending capital issued bonds guaranteed by the territory in exchange for their stock certificates.

The Indian War of 1835-42, and the failure of the territorial banks after the Panic of 1837⁸⁰, checked progress and brought population growth to a standstill. Some improvement had begun when Florida was admitted as a state March 3, 1845, but the greatest progress before the Civil War was between 1853 and 1861. During this period railroad mileage increased from 21 to 350; at least two cotton factories were opened. Sentiment for public schools grew.

Florida seceded from the Union, Jan. 10, 1861. During the four years of war its ports were taken by Federal forces and its coast line blockaded.

The only major battle of the Civil War in Florida was Olustee⁸¹, Feb. 20, 1864, in which the Federals were defeated.

The new constitution Florida formed in 1853 was unsatisfactory to Congress because it did not give the Negroes suffrage, and the state was not readmitted into the Union until June 25, 1868 after a revised constitution had been adopted. The Republican party was in power during the Reconstruction⁸² period, which lasted over eight years, but was defeated in the election of 1876.

During the last quarter of the 19th century Florida made rapid progress. Henry M. Flagler and H. B. Plant, after 1880, opened south Florida to railroad transportation, and this caused a rapid influx of settlers and made it one of the greatest tourist resorts of the world.

The freeze of 1895 was the worst disaster Florida has ever had and caused a loss of over \$50,000,000 to the citrus industry⁸³, but it led to increased development of the southeastern and southwestern sections of the state where the freeze did not reach.

The outstanding events of the 20th century in Florida have been drainage operations in the Everglades, the placing of the higher institutions of learning under unified control, the increase of expenditures for public schools from about \$750,000 annually to over \$20,000,000, the abolishment of the convict lease system⁸⁴, the building of nearly 6000 miles of paved highways and the Florida land boom⁸⁵ of 1925. Population has more than quadrupled during this period.

The Miami hurricane of Sept. 17, 1926, and the one at Palm Beach in 1928 were disasters of a local nature and affected only small areas. The hurricane which struck the Florida keys, Sept. 2, 1935, ruined the Overseas Extension of the East Coast Railroad, known as the "eighth wonder of the world."

[Edwin L. Green, *School History of Florida*; Rowland H. Renick, *Memoirs of Florida*; Carolina Mays Brevard, *History of Florida*; Frederick W. Dau, *Florida, Old and New*.]

W. T. CASH

Florida, British. England, to complete her possessions east of the Mississippi and to end border troubles, forced Spain to cede Florida in the Treaty of Paris, 1763⁸⁶. The Proclamation of 1763⁸⁷ established colonial government and divided the region at the Apalachicola River into East and West Florida⁸⁸. The original northern boundary was 31° but, before government was finally organized, that of West Florida was advanced to 32° 20' to encourage settlement along the Mississippi. East Florida developed slowly, much of the land was taken up by Englishmen as

speculations. Among these were Andrew Turnbull, who planted the unsuccessful New Smyrna^{aw} in 1767 with 1500 Greeks, Italians and Minorcans, and Dennis Rolles who founded Rolles-town. After 1775 thousands of loyalists poured into East Florida, founding numerous towns and plantations. East Florida was the objective of several attacks by the Americans from 1776 to 1778 and assisted the southern campaign of the British in 1778. West Florida was part of the Anglo-Spanish Mississippi rivalry. Efforts were made to lure settlers from Louisiana and plans laid to divert trade from New Orleans through the lakes to Mobile and Pensacola. The region became involved in the Revolution through the efforts of the Americans to get supplies at New Orleans (the Gibson-Linn Expedition in 1776 and the Willing Raid in 1778^{aw}), and Spain's declaration of war against England (1779). Through Bernardo de Galvez's campaigns, 1779-81, West Florida surrendered to Spain. By the Definitive Treaty of Peace^{aw}, 1783, both East and West Florida were returned to Spain.

[C. E. Carter, *Beginnings of British West Florida, Mississippi Valley Historical Review*, December, 1917; C. E. Carter, *Some Aspects of British Administration in West Florida, Mississippi Valley Historical Review*, December, 1914; W. H. Siebert, *Loyalists in West Florida and the Natchez District, Mississippi Valley Historical Review*, March, 1916; W. H. Siebert, *Loyalists in East Florida, 1774-85*, Florida State Historical Society Publication, Deland, 1929.]

KATHRYN T. ABBEY

Florida, French in. Jean Ribaut, one of Coligny's ablest and most trusted naval captains, reached the upper east coast of Florida in 1562 with 150 colonists in three vessels and claimed this hitherto Spanish territory for France as an asylum for Huguenots. A settlement was also attempted in South Carolina (see Port Royal). Two years later René de Laudonnière, who had accompanied Ribaut as lieutenant, was sent back to Florida by Coligny with another company of Huguenots. They settled near the mouth of St. Johns River where they built Fort Caroline. When in 1565 Ribaut returned with 300 additional colonists in a fleet of seven ships, he was attacked by the Spanish Admiral, Pedro Menéndez de Avilés. Subsequently Ribaut attempted to destroy the Spaniards, who were in the process of founding St. Augustine^{aw}, but a storm wrecked his fleet. Starvation soon drove the stranded Frenchmen toward the Spanish settlement where most of them were massacred. Among the few who escaped a similar fate at Fort Caroline was an artist, Jacques LeMoyne, whose drawings of natives and animals are among the earliest made of the New World. Dominique de Gourgues avenged

the French in 1568 by killing the Spanish garrison at San Mateo (Fort Caroline).

[Jeannette T. Connor, *Jean Ribaut, The Whole & True Discoverie of Terra Florida*; Francis Parkman, *Pioneers of France in the New World*.]

A. J. HANNA

Florida, Purchase of, is a restricted title commonly used for the transcontinental boundary and claims settlement of the Adams-Onís Treaty^{aw} with Spain (1819). Since the Floridas were then prominent in public interest and the United States assumed liability for claims of its citizens against Spain up to \$5,000,000, many viewed the bargain as a purchase. Its negotiators, however, had no idea that that figure represented the value of the Floridas, the cession of which had long since been conceded to be certain. The disputed issues upon which the negotiation depended were rather the boundaries west of the Mississippi River (see Louisiana Purchase, Boundaries of).

[S. F. Bemis, *A Diplomatic History of the United States*.]

PHILIP COOLIDGE BROOKS

Florida, Seizure of, by Jackson, 1818. See Arbuthnot and Ambrister, Case of.

Florida, Spanish, the southwestern portion of North America, was discovered in 1513 by Ponce de Leon, and explored by Ayllon, Narvaez, De Soto and others^{aw}. Exploration extended as far north as the Carolinas and Virginia, and westward beyond the Mississippi. The first permanent settlement was made in 1565 by Pedro Menéndez^{aw} de Avilés, whose purpose it was to drive the French from Fort Caroline^{aw} and hold the region for Spain. Menéndez attempted to establish garrisons along the east and west coasts of the peninsula, and up the Atlantic coast as far as Santa Elena^{aw}. In the 17th century Spanish settlement comprised a Franciscan^{aw} missions system extending west, southwest, and north into the later Georgia, with St. Augustine^{aw} as its garrison center (see Florida, Spanish Catholic Missions in; Georgia, Spanish Missions in). In 1698 Pensacola^{aw} was founded to block French expansion in the Mississippi region.

French encroachments from the west and English pressure from the north limited the growth of Spanish Florida. The contest with the English led to the destruction of Spanish missions (see Apalache Massacre), frontier warfare in the debatable land between Florida and Georgia (see Jenkins' Ear, War of); and eventual cession to England (see Paris, Treaty of, 1763). In 1783 Spain recovered Florida by treaty (see Definitive Treaty of Peace).

Divided into the two provinces of East and West Florida, it extended to the Mississippi. The northern boundary was settled (1795) at 31° N. Lat. (see Pinckney's Treaty). The United States (1803) claimed the territory west of the Perdido as part of the Louisiana Purchase^m, and by 1813 possessed it in fact if not legally (see Mobile Seized). Florida was held by weak garrisons at St. Augustine, St. Marks and Pensacola. Border troubles with Seminoles^m and British adventurers led to Jackson's invasion in 1818 (see Arbuthnot and Ambrister), and purchase by the United States in 1821 (see Adams-Onís Treaty).

[Woodbury Lowery, *Spanish Settlements within Present Limits of the United States, 1513-1561*, and *Spanish Settlements within Present Limits of the United States—Florida 1562-1574*, J. T. Lanning, *The Spanish Missions of Georgia*; Hubert B. Fuller, *The Purchase of Florida*]

KATHRYN T. ABBEY

Florida, Spanish Catholic Missions in, had three phases: the abortive attempts prior to 1565; the Jesuit missions (1566-71); and the Franciscan missions^m (1573-1763). The first phase is characterized by the martyrdom of the Dominican, Luis de Cancer, in 1549 on his first entrance into Florida. The expedition of Tristán de Luna (1559-61), with a view to effecting a settlement in Florida, was accompanied by several ecclesiastical persons, who were first to administer to the colonists and secondly engage (so far as possible) in missionary work among the Indians. Upon the failure of the expedition, Florida lay fallow except for the luckless Huguenot settlement, until 1565, when Pedro Menéndez de Avilés settled St. Augustine^m.

Owing to Menéndez's preference and persistence, the Jesuits, after some delay and obstruction, were called upon to undertake organized mission work in Florida. The first expedition of 1566 resulted in the martyrdom of Father Pedro Martínez probably somewhat north of the St. Johns River. A second expedition in 1568 had little better result, for extremely few converts were made. One of the lay brothers, however, compiled the first catechism and grammar in the Yamasee language—both now lost. In 1570 an attempt was made to missionize the region called Ajacan (Virginia), but through the apostasy and treachery of an Indian convert eight fathers and brothers were massacred in 1571. This led the Jesuits to abandon Florida and enter Mexico.

In 1573 the first Franciscans arrived. Their beginnings were as small and precarious as those of the Jesuits. Persevering, however, amid innumerable difficulties, they were able finally to set the missions on a firm basis, and extended

their work among the Indians north, south and west from St. Augustine. The region called Guala (part of Georgia) the Apalache region toward the west, and the immediate regions round about St. Augustine formed the principal foci for the Franciscan missions (see Georgia, Spanish Missions in).

In spite of hardships, the Franciscans made and kept thousands of Indian converts, exercising on them a civilizing influence which is remarked upon by Robert Barrow, a Quaker, who was shipwrecked on the Florida coast late in the 17th century.

The decline of the Franciscan missions came with the founding of Charleston and the aggression of the English (see Apalache Massacre: Florida, Spanish). Finally, by 1763, the missions had become non-existent and Florida passed automatically under the jurisdiction, in an ecclesiastical sense of the English church (see Paris, Treaty of. 1763).

[Mary Ross, *The Debatable Land*, and *The Spanish Missions in Georgia, Georgia Historical Quarterly*, X; John Tate Lanning, *Spanish Missions of Florida*.]

JAMES A. ROBERTSON

Florida, Straits of (called also the New Bahama Channel and the Gulf of Florida), connect the Gulf of Mexico with the Atlantic Ocean, separate Florida from Cuba, and form a part of the Gulf Stream past the Great and Little Bahama Banks. The total length of the Straits exceeds 300 miles; the width varies from 60 to 100 miles, and the main channel has been sounded to a depth of 6000 feet. Traffic through the Straits, beginning with the passage of the Spanish treasure fleets, has always been heavy and important. Until early in the 19th century this region was the hunting ground of buccaneers^m.

A. J. HANNA

Florida, THE (or Oreto), cleared from Liverpool, March 22, 1862. Upon arrival at Nassau, where she took on arms and equipment, she was delivered to Confederate Commander Maffitt, having until then been registered as an English ship. As the only course open for a ship, crippled by yellow fever and with incomplete batteries, Maffitt ran the blockade into Mobile^m. Four months later, with proper equipment, she escaped through the blockade and embarked on the important part of her career—several long raiding cruises, sweeping from the latitude of New York to the Brazilian coast, broken by intervals in port for refitting. Her career ended October, 1864, at Bahia, Brazil, when a Federal sloop, the *Wachusett*^m, in violation of international law, forced her surrender and towed her

to Hampton Roads where she was sunk. (See also Alabama Claims, The.)

[J. Thomas Scharf, *History of the Confederate Navy*; James Russell Soley, *The Blockade and the Cruisers*.]

ELLA LONN

Florida Boundary, THE. The 16th century "La Florida" included all Spanish North America east of the Mississippi River. The Treaty of Madrid⁹⁹ (1670) recognized British occupation as far south as Charleston, S. C., and in 1743 British conquest reached the St. Marys River (the present northern boundary of Florida). French settlement on the Gulf Coast led in 1719 to the acceptance by Spain of the Perdido River⁹⁹ (the present western limit of Florida) as the Florida-Louisiana boundary. England took the region in 1763, and set up two provinces, East and West Florida⁹⁹, the latter extending from the Apalachicola to the Iberville⁹⁹ (almost to New Orleans). In 1764 the northwestern limit was placed at the shifting mouth of the Yazoo River, then about 32°26' N. Lat., on the Mississippi.

The preliminary treaty of 1782 (see Definitive Treaty of Peace, 1783) provided for the maintenance of the Yazoo line if England kept the region; but Spain regained the Floridas in 1783, and the initial southern boundary of the United States was drawn along the thirty-first parallel, N. Lat., from the Mississippi to the Apalachicola, down it to the Flint, eastward to the head of the St. Marys, and along that river to the Atlantic Ocean. Trouble between the Florida Indians and ambitious frontier settlers of the United States led to the restatement of that line in Pinckney's treaty⁹⁹, 1795.

This country's claim to West Florida as part of the Louisiana purchase began the West Florida controversy⁹⁹. After a rebellion there in 1810 the United States practically seized the area (see West Florida, Annexation of). The portion west of the Pearl River⁹⁹ was included in the State of Louisiana in 1812, and that east to the Perdido added to the territory of Mississippi⁹⁹ in 1813 (see Mobile, Capture of), though both were still legally Spanish. In 1814 (see Creek War, The) and 1818 Andrew Jackson invaded East Florida (see Arbuthnot and Ambrister, Case of), on charges of Spanish failure to observe Pinckney's treaty by pacifying the Indians, and demonstrated the weakness of Spain's control. After 1815 diplomatic negotiations concerning the cession of the Floridas, long conceded as inevitable, culminated in the Adams-Onís Treaty of 1819⁹⁹, which evaded defining the previous ownership of West Florida, and left East Flor-

ida's limits unchanged. The latter was made a territory in 1821, and a state in 1845

[C. M. Brevard, *A History of Florida from the Treaty of 1763 to Our Own Times*; S. F. Bemis, *Pinckney's Treaty*.]

PHILIP COOLIDGE BROOKS

Florida Land Boom. For years prior to 1925, there had been a great increase in activity in Florida real estate. The rapid growth of cities is indicated by the census figures below:

| City | 1910 | 1920 | 1925 |
|----------------|--------|--------|--------|
| Miami | 5,471 | 29,571 | 69,754 |
| Tampa | 37,782 | 51,608 | 94,743 |
| Orlando | 3,894 | 9,282 | 22,225 |
| Lakeland | 3,719 | 7,062 | 17,051 |
| St. Petersburg | 4,127 | 14,237 | 26,847 |

Population of the entire state grew from 752,619 in 1910 to 1,263,549 in 1925, but neither growth of cities nor of the state by any means reflected the increase in property values. Real estate assessments between February, 1920 and February, 1925 went from \$253,785,338 to \$475,908,261. Hotel permits for construction valued at \$8,724,350 were issued during the 1921-22 biennium; but during the next two years these increased to \$35,948,043. Bank deposits more than doubled between Jan. 1, 1924, and Jan. 1, 1925.

The trend toward boom-time conditions in Florida was caused by no one thing, but the initial reason was the opening of far southern Florida to railway transportation prior to 1900. Drainage of the Everglades, begun in 1907, turned more people toward Florida. A constantly increasing tourist trade stimulated increased activities.

The ratification of a constitutional amendment prohibiting state collection of income and inheritance taxes, in November, 1924, turned men of wealth toward the state.

The rise in real-estate values until about the end of 1924 had been rapid, but orderly. Soon, however, the upward move in prices became so accelerated that before mid-1925 it had gotten completely out of hand. Orange groves were cut down to build subdivisions. Ordinarily practical persons took gamblers' risks in the hope of quick wealth. Bankers lost their usual business sanity. Visitors to Florida in July, 1925, exceeded any previous number coming in midwinter, and hotels constantly had to turn away guests.

By September it was evident that the beginning of the end had come; many who had made heavy down-payments on property could no longer "unload" it on others. Many who believed themselves rich in July, a few months later realized they were poorer than before the boom.

Permanent effects of the boom are as yet (1939) impossible to tell. On the one hand, the millions of dollars voted for bonds caused heavy taxation, led to much defaulting, and adversely affected the credit of counties and smaller political units. On the other hand, there were heavy expenditures for construction and other improvements which still remain.

[Files of *Sunshine Magazine*, St. Augustine, Fla., 1925; File of *American Review of Reviews*, New York, 1925; Files of *Miami Herald*, 1920-25, File of *Florida Times-Union*, Jacksonville, Fla., 1924-25, Frederick W. Dau, *Florida, Old and New*.]

W. T. CASH

Florida Rangers, or East Florida Rangers, a Tory corps formed at St. Augustine by Col. Thomas Browne under a commission of June 1, 1776, from Gov. Patrick Tonyn. Nov. 1, 1777, they numbered 130 rank and file, and were soon guarding the frontier, with some Indians, at Fort Tonyn, on St. Marys River. In March, 1778, they captured Fort Barrington, Ga., and on July 2 burned Fort Tonyn to prevent its capture by Gen. Robert Howe's American troops. Numbering four companies, the corps accompanied Col. Augustine Prevost's command to Savannah and Charleston, but was at Fort Picolata, East Florida, in June, 1783, and probably settled in the Bahamas.

[W. H. Siebert, *Loyalists in East Florida, 1774-83*, Vols. I and II.]

WILBUR H. SIEBERT

Florida Ship Canal, The Proposed, would extend 196 miles along the St. Johns River from its mouth to Palatka, thence by way of the Oklawaha and Withlacoochee rivers to the Gulf of Mexico near Port Inglis. The total cost has been estimated at \$157,585,000, exclusive of land, while the saving to transportation has been placed at \$7,500,000 annually. Opponents of the project, however, have urged that it would injure the fresh-water supply of Florida. With an initial appropriation of \$5,000,000, construction was begun in September, 1935; but the work was discontinued early in 1936, when Congress declined to vote additional funds.

[*Engineering News-Record*, Vol. CXV, pp. 313, 341, 376, Vol. CXVI, pp. 26, 56, 479, Vol. CXVIII, pp. 185, 532, 568.]

RICHARD E. YATES

Florida War, THE (1836-43). The effort on the part of the United States to remove the Seminoles[™] from Florida, in accordance with a devious interpretation of the Treaty of Payne's Landing[™] (May 9, 1832), led to this, the second Seminole War. The presence of free Negroes and slaves, the unwillingness of the warriors to trust

the whites, and the vacating climate in the swamps to which the Indians fled, complicated the prolonged struggle (see Dade Massacre, Okeechobee, The Battle of). Many of the best officers in the army, including men of the caliber of Scott, Taylor, Macomb and Jesup, failed to bring it to a successful conclusion. Mediation by the Cherokees[™] was of no avail. Gradually, however, by means of a few pitched battles, the destruction of villages and food supplies, the violation of sacred agreements (such as the capture of leading chiefs by means of a flag of truce), the continual scouring of the swamps and even the use of bloodhounds, the army was able to induce the Seminoles, in small groups, to emigrate. Peace, prematurely announced on several occasions, became a reality when Col. Hitchcock removed the last of the Mikasukis. By 1843 all except a few hundred of the estimated 5000 Indians had been moved west of the Mississippi, but at a cost of the lives of 1500 white soldiers, \$20,000,000 and untold suffering on the part of the belligerents.

[Grant Foreman, *Indian Removal*.]

JAMES W. SILVER

Flour Milling. The first American manufacturing establishments were devoted to the grinding of grain. The earliest English settlers brought small hand mills with them. But growth of population and the spread of wheat[™] growing soon made larger mills necessary. Gov. Winthrop mentions a windmill in his *Journal* (1632). This was perhaps the first power mill in New England. In 1643 the exclusive right to grind corn for the public in Boston was offered to any one who would build a tide-mill. Such mills were fairly common along the coast. Water power was also used in the interior. In 1786, according to Jefferson, there was "no neighborhood in any part of the United States without a water grist mill for grinding the corn."

New York, Pennsylvania and Maryland early produced a surplus of grain and began to export both wheat and flour. Shipments were made to Europe, the West Indies and the other colonies. Buhr millstones were imported from France and silk bolting cloth from Holland. Machinery was developed for cleaning the wheat as well as bolting the meal. Most of the mills ground the farmers' grain for a toll but merchant mills became common. New York City and Philadelphia developed a considerable flour trade.

At the end of the colonial period there was a concentration of mills at the Brandywine Creek near Wilmington, Del. Twelve merchant mills devoted themselves to the export business and

ground annually over 50,000 barrels of "super-fine" flour besides other products. European travelers commented on the high degree of mechanical excellence of these mills. The invention of the elevator⁹⁹ and the conveyer by Oliver Evans (patented 1791) was largely responsible for the superiority of the best American mills.

After 1790 Baltimore and Richmond became important milling centers with a large export trade. A little later Rochester, with the fine white wheat of the Genesee Valley, came to the front. In 1835 the Rochester mills were producing 5000 barrels of flour a day. Just before the Civil War, St. Louis and Milwaukee became important milling centers. The soft red winter wheat from the regions tributary to those cities brought them to the front. After 1870 a concentration of wheat growing in Minnesota and the Dakotas, together with the water power of St. Anthony Falls, built up the mills at Minneapolis. The hard red spring wheat of that area was found unsatisfactory for bread flour until the invention of the middlings purifier by LaCroix in 1871. The Minneapolis millers were the first to adopt this machine. Soon after they began to substitute the roller process of grinding for the millstones used since ancient times. The first complete roller mill was built by Gov. C. C. Washburn in Minneapolis in 1878. These improvements made the flour from the spring wheat area supreme in the world market. Concentration of ownership and large-scale production made Minneapolis the largest milling center of the world after 1882.

After 1890 the introduction and rapid spread of hard red winter wheat in Kansas and the Southwest created a new milling area with Kansas City as the most notable center (*see* Wheat, Turkey Red). But the greatest growth in recent years has been that at Buffalo. Cheap power, nearness to the great consumer markets, the opportunity to mill Canadian wheat in bond for the export market, and the relatively low rates on wheat on the Great Lakes have made Buffalo our largest milling center.

[C. B. Kuhlmann, *The Development of Flour Milling in the United States.*]

C. B. KUHLMANN

Flying Cloud, THE, a famous clipper ship⁹⁹ of 1780 tons, 229 feet long, was built at East Boston by Donald McKay, in 1850. Built in the heyday of the clipper-ship era, she was an extreme type of her class and long held top place for beauty and speed. She made the run from New York to San Francisco in the record time of 89 days, and to Hong Kong in 127 sailing days.

[C. C. Cutler, *Greyhounds of the Sea.*]

WILLIAM LINCOLN BROWN

Folklore, American: Sayings, songs (*see* Folk-songs), tales, customs, beliefs and arts unreflectively possessed by American people, in both continental and regional aspects of traditional culture, either inherited by word of mouth and imitation or originated and transmitted without dependence upon written record. The term includes "only that part of popular tradition which is touched by poetic thought." Systematic study, begun by the American Folk-Lore Society in 1888, recognized Old English, Indian, Negro, French-Canadian and Mexican folklore. But as other racial, linguistic, and national elements—e.g., German, Scandinavian, Italian—impinged upon national consciousness, their folklore attracted attention, and other types, some indigenous, emerged. Thus, American folklore is rich and varied, both borrowed and homemade. Since "isolation long enough to allow emotion to color forms of social expression" is an indispensable condition both of the creation and the preservation of folklore, it abounds richest in older communities.

Sayings include such subtypes as: (1) proverbs—"You can take a man out of the country, but you can't take the country out of a man"; (2) riddles—

"Little Jessie Ruddle sittin' in a puddle—

Green garters and yaller toes:

—Tell me this riddle or I'll mash your nose";

(3) charms (for leechdoms, lovemaking, magic)—

"Go to a crossroads and say—

'Sty, sty, go off my eye

And light on the first one passing by'";

(4) counting-out rimes—

"One zoy, two zoy, zicka zoy zan,

Bobtailed Dominic, little toy tan,

Virgin Mary, hail 'em, scale 'em,

Ringlum zinglum, Bawley, Buck";

(5) square-dance calls—

"Women swing hard, men swing harder;

Swing that gal on her buckskin garter";

(6) various folk locutions—"Let the red heifer out" (set the woods afire), "Let me buy your coffin" (marriage proposal). Such linguistic phenomena are studied by the American Dialect Society.

Tales are exemplified by Indian creation-myths (e.g., the Algonkin legend of the raft and the Great Hare), place legends, animal tales (why the opossum grins); imported European folktales corresponding to Grimm's, British and Irish fairy tales, all having characteristic Ameri-

can traits (e.g., "Jack and the Giants"); Negro folktales (e.g., "Uncle Remus"), some international ("Tar Baby"), some of peculiarly African origin; endless mutations of the ghost story, an American favorite; hunting and Indian yarns (Daniel Boone and Davy Crockett), huge lies or tall tales (see *Stories, Tall*), some clustering around folk heroes (the Mississippi flatboatman Mike Fink and the lumberjack Paul Bunyan), place legends, some condensed into a name (e.g., Hot Coffee, Mississippi). Along with the tall tale the American political anecdote is most characteristic.

Beliefs and customs are closely related. Tying knots in an apron will stop a screech owl's cry, portent of death. Planting and harvest, breeding and slaughtering animals are governed by phases of the moon. Hydrophobia is prevented by the madstone. Other leechdoms employing snaffles, and sometimes magic, are practised. Witches are protean, but may be slain by silver bullets. Hexes⁷⁰ still figure in centers of German population. Voodooism⁷¹, with a vast ritual, profoundly influences Negroes (and sometimes whites). Signs of luck and unluck, ways to secure the one and shun the other, have multifarious forms. Birth, courtship, marriage and death have appropriate superstitions and rituals. Old biological beliefs flourish side by side with the new folklore of railroad and automobile. In backward regions the play party⁷², peculiarly American, flourishes. Since Newell's work began in the 1880's, a vast body of children's games has been collected.

Of folk arts, the dance (square and English country), music, home manufacture of musical instruments (e.g., the mountain "dulcimore"), weaving and quilt making (in elaborate and beautiful designs), basketry, pottery (Indian, and traditional English, as in North Carolina) and other handicrafts—these assume characteristically American forms.

Folklore has served as a cultural cement. For good or ill, it has been the basis of popular appeal of such political figures as Franklin Lincoln and Theodore Roosevelt, of "Private" John Allen of Mississippi and the Taylors of Tennessee and their kind. A common emotional heritage, it softened the asperities of civil war and hastened reunion and reconciliation. From Irving, who localized German folktales in the Catskills, and Cooper, who exploited the Indian and the frontiersman, to Longfellow, Lowell, Hawthorne, Melville, Whitman and Mark Twain and, latterly, to such authors as Benét, O'Neill, Frost, Lewis, and Elizabeth Madox Roberts, folklore has furnished the stuff and the dyes of literature

that is most characteristically American (see *Fiction, United States History in*). For folklore comes home to men's firesides and touches the heart chords of a common humanity.

[Martha Beckwith, *Folklore in America; Journal of American Folk-Lore*; A. H. Krapp, *The Songs of Folk-Lore*; N. N. Puckett, *Folk Beliefs of the South in Negro*, United States Bureau of Ethnology, *Annual Report*, especially for Indian folklore, F. J. Moore and Walter Blair, *Mike Fink*, A. P. Hudson, *Harbor of the Old Deep South*.]

ARTHUR PALMER HUDSON

Folksongs, American: Songs of origins anonymous or unknown to American singers, orally transmitted and subjected to consequent changes, existing only in variants without standard texts. Thus, folklorists distinguish between static "folksongs" ("Old Black Joe"), with known authors and definitive texts and true folksongs ("Lord Randall"). Broad divisions include narratives (ballads⁷³ telling stories and pure lyrics expressing emotion or serving purposes of work or play. Provenance and origins are as diverse as those of the American people. On the whole, except a few specialties (some Negro spirituals and worksongs and cowboy songs⁷⁴), the best are ultimately of Old World origin, transformed to suit the American scene.

Foremost in American collections are ballads, largely imported. One third of 905 in Child's *English and Scottish Popular Ballads*, traditional *corpus*, have American oral circulation. Well known are "Barbara Allen" and "Lord Lovel." Best of American origin are "Springfield Mountain" (1761) and "Young Charlotte" (1830's), New England; cowboy songs ("Old Chisholm Trail"), outlaw ("Jesse James") and railroad ("Casey Jones") ballads. The Ballad Muse still functions, witness "Floyd Collins," of journalistic origin, but accepted by oral tradition.

Lyric types include Negro worksongs and spirituals ("Go Down, Moses"), "white spirituals" ("New Orleans"), sailor shanteys ("Shenandoah"), play party⁷⁵ songs ("Shoot the Buffalo"), nursery songs ("Billy Boy"), carols ("Joys of Mary"), hunting songs ("Old Blue"). These and other types have their analogues in folksongs among the foreign-language population.

Unreflectively but intimately possessed by the American people, folksongs have been collected and studied by eminent American scholars, their words and music used for creative purposes by American artists. Sharp, Barry and Herzog are among those who have studied their music. Musicians like Cadman, Dvořák, Gershwin, Hanson, Powell and Stringfield have based musical compositions upon them.

[Archive of American Folk-Song, *Check-List of Discs*;

Campbell-Sharp-Karpeles, *English Folk-Songs from the Southern Appalachians*; J. W. Johnson, *Book of Negro Spirituals*; J. A. Lomax, *American Ballads and Songs*; Louise Pound, *American Ballads and Songs*; Carl Sandburg, *An American Songbag* (all except Pound with music); M. E. Henry, *Bibliography for Study of American Folksong*; B. A. Botkin, *The American Play-Party Song*.]

ARTHUR PALMER HUDSON

Folsom Culture Complex, THE, is characterized by association of stone artifacts (chiefly projectile points, knives, scrapers, graters and hammerstones) with extinct mammals (mainly bison, mammoth and camel). So far no skeletal remains have been found of this primitive nomadic hunting people, whose culture has been given a nominal age of 10,000 years. The typical implement is a laterally fluted projectile point named from finds (1926-28) near Folsom, N. Mex. This point and related forms have been found over much of North America, with a concentration along the high plains east of the Rocky Mountains.

[E. B. Howard, Evidence of Early Man in North America, *The Museum Journal*, Vol. XXIV, Nos. 2-3, 1935; F. H. H. Roberts, Jr., A Folsom Complex, Preliminary Report on Investigations at the Lindenmeier Site in Western Colorado, *Smith. Misc. Coll.*, Vol. 94, No. 4, 1935.]

DONALD D. BRAND

Fonda's Expedition, in the spring of 1823, was led by John H. Fonda, a restless New Yorker, from the vicinity of Fort Towson^{ss}, in southeastern Oklahoma, to Santa Fé^{ss}, N. Mex. His route is uncertain, but probably ran west on the Red River to Mustang Creek, thence north to the Canadian, and west on the Canadian to San Miguel, N. Mex.; thence to Santa Fé. This was probably the first time this route had been traversed by an American. After reaching Santa Fé he pushed on to Taos^{ss}, where he wintered, and returned to St. Louis^{ss} via Santa Fé in the following October.

[C. Goodwin, *Trans-Mississippi West*.]

CARL L. CANNON

Fontainebleau, Treaty of (Nov. 3, 1762). By this treaty France ceded the Isle of Orleans and all Louisiana^{ss} west of the Mississippi River to Spain. Louis XV and his minister, Choiseul, desired to compensate their ally for her impending loss of Florida to Great Britain, to strengthen the Family Compact^{ss}, and to win her consent to an immediate settlement of the French and Indian War (see Paris, Treaty of, 1763). It was long thought that Spain was reluctant to accept the colony, but recent research has shown that Charles III and his ministers valued the territory

as a barrier to illicit trade and British penetration in the Spanish possessions.

[William R. Shepherd, The Cession of Louisiana to Spain, *Political Science Quarterly*, Vol. XIX; Arthur S. Atton, The Diplomacy of the Louisiana Cession, *American Historical Review*, Vol. XXXVI.]

E. WILSON LYON

Food of the native American Indian varied widely. The Eastern tribes had a dietary somewhat superior in variety and balance to that enjoyed by their contemporary Europeans. Corn was their staple, being eaten both green and dry. Boiled with beans and flesh of bear, beaver, moose, otter or raccoon, it made the popular dish called succotash. They familiarized the Pilgrims of New England also with waterfowl, wild turkeys, venison and many new kinds of fish in addition to the cod, herring and mackerel of the sea.

The Algonquins^{ss} gathered wild fruit and roots of many kinds; they cultivated the Jerusalem artichoke, several varieties of beans, peas, red peppers, corn, onions, pumpkin and squash, they dried cherries and plums. One of the more festive dishes was a coarse sugar, made from the evaporated sap of the maple, seasoned with dried huckleberries. For festive drink they made sassafras tea flavored with dried nut meats.

Natives of the Central Plains were far more dependent upon a meat diet. The bison and antelope furnished the menu with the assistance of the half-wild dog, a dainty to be served to favored guests. There was very little cultivation; slight picking of fruits and roots. As the traveler of European civilization moved westward, he found the fare less and less to his liking. Boiled dog and jackrabbit were endurable, but the gopher and snake were less easy to stomach. While "civilized" men could eat shrimp and sea turtles they retched at the thought of grasshopper paste and raw land turtles. The tribes of the Pacific Slope ate fieldmice, grubs, worms, vegetable stalks, seeds, leaves and roots—whatever offered—without fastidiousness or fire to cook.

Cattle were landed in North America by the Spanish in 1525, by the French in 1608, by the Dutch in 1614, by the English in Virginia from the West Indies in 1611 and from England in 1622. The English carried cattle to New England in 1624; the Swedes took them to Delaware the same year. Sheep were brought to Virginia in 1609, to New Netherland in 1625, to Massachusetts prior to 1633. Wolves^{ss} and dogs found mutton to their taste and so easy to kill that some owners kept their sheep on islands in rivers to prevent destruction of the flock. As early as 1633 the magistrates of Salem declared it lawful to kill

trespassing swine. Protesting owners not only forced repeal of this arbitrary measure and replaced it with an impounding ordinance, but also brought about more democratic government.

The potato⁷, one of the most important foods of the 20th century, was neglected in colonial times. It is indigenous to Peru and Chile, was taken by the Spanish to Europe early in the 16th century, and possibly to Virginia, where Raleigh found it in 1588. Successfully cultivated in Ireland, it became known as the Irish potato and emigrants introduced it in New Hampshire. Apparently it was well toward the middle of the 19th century before the potato became at all common in America. The sweet potato, an entirely different plant, is native to the southern United States and is more familiar there than in the North.

Colonial North America set a better table than did contemporary Europe. On the fringes of settlement game was abundant. John Hammond, being in Virginia in 1656, found venison "a tiresome meat" and told of wild turkeys weighing sixty pounds. By that time cattle were sufficiently numerous to permit a limited slaughter, and among other foods were to be found peaches, quinces, pears, raspberries, apples, strawberries, wheat, barley, corn, sweet potatoes, asparagus, carrots, turnips and parsnips. The housewives were making butter and cheese.

New England had less fruit, more fish. Rye and buckwheat were more successful than wheat⁸. The frugal fare of the Puritan farmer has been described thus: pea soup for breakfast; bread and cheese with beer or cider for lunch (in 1685 Walcott, in Connecticut, made 500 hogsheads of cider in one year from his own orchard); a dish of boiled meat, or salt fish, or broiled pork, or baked beans formed his dinner, hasty pudding with milk was served for supper; fruit or pies were provided with every meal. Swedish turnips were the staple vegetable; bread was ordinarily of corn, barley or rye.

From 1790 to 1860 the population expanded more rapidly than food production, thereby necessitating a heavy importation. Public and private organizations sought to increase American production, for the rise of manufactures and engineering, combined with faulty methods of agriculture, threw the economic processes out of balance.

Slavery, plus cotton and tobacco culture, was another factor causing scarcity of food. Most slavery plantations bought corn and pork from the North or from free producers to furnish the ration distributed by the owners. This ration consisted of 1 qt. cornmeal, 1/2 lb. salt pork per day

for an adult, children in proportion, plus sweet potatoes, field peas, syrup, rice, fruit and vegetables in season, as the overseer saw fit to distribute. Fowls were free goods, and the more thrifty slaves had their own vegetable gardens to supplement the ration.

At an agricultural fair held at Georgetown, D. C., in 1809 a prize six-year-old steer was slaughtered. The gross weight was 2254 lbs., and net yield of beef was 1402 lbs. The same exhibitor later showed a 2700-lb. animal which was estimated to net about a ton of beef. The smaller families of today (1939) demand smaller cuts, hence the current slaughter of beef involves animals averaging about 1200 lbs.

After a quarter century of effort the French in Louisiana were able in 1791 to exhibit a few small loaves of sugar refined from cane grown in the province. New England sweetened its pies with maple sugar or honey, the rest of the country apparently did without much sweetener, for the per capita annual consumption averaged only 6.6 lbs. through the decade 1790-99 (to be compared with the 100 lbs. average of 1935). Both production and consumption grew rapidly until the Civil War forced a reduction. The decade following the war showed an average of 35 lbs. per capita and in 1875 Louisiana could only produce enough to supply one tenth of the demand, practically all the remainder being imported. The sugar-beet industry⁹ at this time was coming out of the experimental stage in the North and West.

European visitors to America in the first half of the 19th century were inclined to criticize the cuisine. They complained of the great variety, the poor cooking, lack of good wine. One man tells of a breakfast in New York City (1827-28) of shad, beefsteak, mutton cutlets, rolls, toast, tea and coffee, which, according to present-day tastes, leaves little, except some fruit, to be desired. Frances Trollope, who came unwillingly to America, found little to her liking and complained that there were no hares, pheasants, or cauliflower served, that the cream was poor, that much water and but little wine was served with meals, that the men sat at one end of the table, the women at the other.

The Civil War marked a new era in American food habits. Railroads brought still greater variety, e.g., citrus¹⁰ fruits began to find their way to the Northern cities and commercially canned foods were beginning to come to market (see Food Packing). In 1865 a government report remarked that people had learned to eat tomatoes and that they could learn similarly to like oranges.

The necessity of the importation of foods aroused the Federal Government to various devices in aid of agriculture⁷. The first Federal agricultural report was made by the Patent Office in 1839. A Department of Agriculture⁸ was established in 1862 and in the same year the Morrill Act⁹ began the donation of Federal land in aid of agricultural schools. Free seeds, farm loans and experiment stations followed. After a century of effort to feed herself America imported in 1935, \$75,000,000 worth of edible animals and products thereof, and more than \$500,000,000 worth of vegetable foods, half of this latter value being represented by coffee and sugar in about equal dollar values.

By the end of the 19th century a new term connected with food was coming into American usage. In 1894 Dr. W. O. Atwater published an epoch-making pamphlet entitled, *Foods: Nutritive Value and Costs* (*Farmers Bulletin No. 23*, U. S. Dept. of Agriculture) in which he estimated that one pound of protein or carbohydrate contained 1860 calories, a pound of fat, 4220 calories—the calorie being defined as the amount of heat which would raise the temperature of a pound of water 4° Fahr. The man who did hard muscular work was estimated to require 5700 calories daily; the office man required only 2450. In the late 1880's it was found that Massachusetts workingmen spent from 51% to 64% of income for food, hence the importance of working out the most economical diet which would fill the need. Judged solely from nutritive content, potatoes @ 1.2¢ were most economical, followed by corn meal @ 2.5¢, wheat flour @ 3¢, milk @ 7¢ a qt. and sugar @ 5¢. (These prices quoted were of 1892, they were correct for southern California in February, 1938, as well.)

In the early years of the 20th century a new idea, connoted by the term vitamin, rapidly gained popularity. According to this theory, vitamin A promotes growth; it is found in butterfat, cod-liver oil, etc. Vitamin B is antineurotic and abounds in whole wheat, corn and beans. Vitamin C is antiscorbutic, is yielded by tomatoes and potatoes. Vitamin D is antirachitic, is obtained from cod-liver oil, fish, etc. Vitamin E aids reproduction and may be had from the wheat germ. Vitamin G prevents pellagra, which is primarily caused by too much starch. It is plentiful in lean meat, liver and kidney tissue.

Farm and city have quite different menus, the former serves heavier and meatier meals, the latter relies more upon canned foods and eats more lightly. Different immigrant stocks each follow their hereditary menus for the first generation in America at least. Cities have Chinese,

French, Swedish, Italian, Danish, German and Russian cafés to cater to the homesick traveler and to those Americans who desire more exotic food.

The East, South and Pacific slope have distinctive fares. New England has a reputation for baked beans, and pies with every meal. The South eats much hominy, corn bread and pickled pork belly. The Pacific slope indulges in more fruit and salads, although fruit is seldom served publicly except at breakfast. The salad is served prior to the entree and is often removed before the meat is brought to the table. The ripe olive has slowly made its way eastward during the past quarter-century but the loquat, the Japanese persimmon, the loganberry and boysenberry are practically unknown except in the Pacific Southwest. (*See also Cookery*.)

[Harold U. Faulkner, *American Economic History*; E. V. McCollum, *The Newer Knowledge of Nutrition*; Allan Nevins, *American Social History as Recorded by British Travelers*; U. B. Phillips, *Life and Labor in the Old South*.]

ROBERT G. RAYMER

Food Administration, THE (1917-19), was organized to promote food conservation during the World War¹⁰. After America entered the conflict, President Wilson called Herbert Hoover to take charge of the problem pending enactment of suitable legislation. A Food Control Act, known as the Lever Act¹¹, was passed on Aug. 10, 1917, and by executive order of the same date the United States Food Administration was formally organized, and Hoover was named Food Administrator. This agency assumed the tasks of assuring the supply and distribution of foods and other necessities, facilitating their movement, preventing monopolies and hoarding, and maintaining governmental control through voluntary agreements and a licensing system. Among the many divisions of the Washington office was the Administrator's Office which gave general direction to the work; State Administration which supervised state activities; Education which conducted food-saving propaganda and publicity; License which organized control measures; and Enforcement which made effective the regulations. Special divisions attended to matters relating to commodities and industries. Federal Food Administrators were appointed in each state, the District of Columbia, Alaska, Hawaii and Puerto Rico.

To purchase and sell grain and other products, the Food Administration (after July 1, 1919, the United States) Grain Corporation was incorporated in Delaware under authority of the executive order of Aug. 14, 1917. This agency

was designated to make effective the wheat crop price guarantee in 1918 and 1919. After the armistice^{ee} it was authorized to act as purchasing agent for the American Relief Administration. Its final liquidation occurred in 1927. From August, 1917, to July, 1918, the milling industry was regulated through the Food Administration Milling Division. Another agency of the Food Administration was the Sugar Equalization Board (Inc.) which was organized July 11, 1918, to equalize the cost of sugars and to secure better distribution. It contracted for and distributed the cane-sugar crops of 1918 and 1919. A Sugar Distribution Committee controlled beet sugar^{ee}. In 1919 a Wheat Director was appointed to license the storage and distribution as well as the export and import of wheat^{ee} and wheat flour.

Early in 1919 most functions of the Food Administration terminated. By an executive order (Nov. 21, 1919) the remaining powers and authority of the Food Administrator were transferred to the Attorney General, except those relating to wheat and wheat products, which were put under the Wheat Director.

[Frank M. Surface and Raymond L. Bland, *American Food in World War and Reconstruction Period*; Frank M. Surface, *The Grain Trade during the World War.*]

ROSCOE R. HILL

Food Adulteration. See Pure Food and Drug Act.

Food Packing. This article is limited to the description of the commercial (nonhousehold) preservation of fruits, fish and vegetables. (See also Packing, Meat.) The industry has developed, usually item by item, from household food preservation and sale in small quantities direct to consumer. It has brought the gradual liberation of the city housewife from the drudgery of catsup and pickle making and fruit canning. The country housewife still continues (1939) largely to preserve the winter supply of fruits, and some vegetables, in glass.

Commercial packing of food was stimulated by the outbreak of the Civil War. Gail Borden opened his first condensed milk factory at Wassaic, N. Y., in 1861 (see Dairy Industry). Soon canneries were opened in California, also the first glass factory to supply containers, and California fruits became popular throughout the country. A Baltimore cannery processed oysters from September to June, and in summer packed fruits and vegetables; nearly 3,000,000 cans were made annually to supply this demand. In Maine the lobster pack alternated with vegetables, especially corn. Salmon packing began on the Sacramento River in 1862 and quickly spread to the

Columbia. Van Camp Packing Company began to pack its numerous products in 1861. But Hawaiian canned pineapple and condensed soups were not introduced until the end of the century.

Norton Brothers of Chicago up to 1860 were the largest manufacturers of cans in America, importing the tin plate (sheet iron thinly tin-coated). They then set up their own tinning mill and, with their competitors, soon established a profitable tinplate industry independent of the English supply. In 1861 cans were quoted @ \$1.80 to \$3.00 per hundred, a reduction of 60% under the price of ten years earlier. Machinery was used not only to make the cans, but also to prepare the food, so that the process was automatic from raw materials to the sealed and labeled package. (See also Canning Industry, Tin Can.)

Henry John Heinz began, at the age of eight, by selling surplus food from his father's garden. In 1869 he formed a partnership to make and sell grated horseradish, six years later, another one to market pickles, condiments and other prepared food. The firm's slogan of "fifty-seven varieties," an understatement chosen for its appeal to the ear, was well known by 1899. At his death, he was president of a corporation which hired 6523 persons, had 25 factories, 85 pickle-salting stations.

Alaska Packers Association was formed in 1893 to pack salmon. The California Fruit Canners Association (1899) was a consolidation of the principal fruit and vegetable plants in that state. In 1907 a National Canners Association was formed which, in addition to manufacture, maintains extensive research laboratories.

Peak of product value for the industry was reached in 1929. The sea-food pack—fish, oysters, clams, lobsters, crab and shrimp—was valued at \$80,000,000 with employment for more than 13,000 packers. The fruit and vegetable pack, including jellies, jams and pickles, was worth \$750,000,000, employing 100,000 workers. Export of canned and dried goods is huge: 49,000,000 lbs. of fish left America in 1934; 45,000,000 lbs. of milk, 33,000,000 lbs. of vegetables; and 726,000,000 lbs. of fruits.

[J. H. Collins, *Story of Canned Foods; Statistical Abstract of the United States, Census of Manufactures*, Dept. of Commerce.]

ROBERT G. RAYMER

Football. This ancient game, to which references are found in the days of Edward II, was played occasionally in the colonies and during the first half of the 19th century. It was not until the 1870's, however, that the modern American game, the intercollegiate football which we know

today, came into being. At that time a sport more closely resembling association football, or soccer, was being played in some of the colleges (Princeton and Rutgers holding the first recorded intercollegiate contest in 1869), but under the leadership of Harvard and Yale it was supplanted by a form of rugby which proved more popular than the older association game. In order to bring some order out of the chaos of differing styles of football, a set of rules to govern the American game, derived from those of the English Rugby Union, was adopted (1876) at a meeting of representatives of Harvard, Yale, Princeton and Columbia.

These rules were immediately subject to change and modification. The number of players on a side was reduced from fifteen to eleven; new provisions adopted to govern running, kicking and passing which represented distinct innovations, and the modern scrimmage substituted for the rugby scrum. A start was made in that long process whereby American football has slowly evolved out of actual experience on the playing field with almost yearly changes in its governing rules. It has thus proved the most variable of games in methods of play, but when the principles noted above were accepted by the new Intercollegiate Football Association in 1880, the change-over from rugby was complete and what was virtually a new game had been established.

From its earliest days football awoke great spectator interest and even in the 1890's crowds of 50,000 were recorded at the games of the Big Three—Harvard, Yale and Princeton. For long, indeed, these Eastern colleges dominated the sport and public interest in it. Only gradually did football extend its sway to other parts of the country, but once it began to be played by other colleges, it rapidly forged ahead to become the foremost intercollegiate sport. Its growth was accompanied by charges, many of them quite justified, of carelessness by college authorities as to eligibility and professionalism, favoritism for players in college work, unwarranted absorption in long training seasons, and, above all, emphasis on winning by any means with consequent roughness and brutality on the field. At no time has the criticism of football been more severe than in the 1890's. Reform was necessary if the game was to be saved, and under the leadership of Walter Camp various changes in the rules were adopted to make it a more open game, with greater safeguards against roughness, while at the same time regulations were adopted by the colleges to preserve more clearly the amateur status of the players.

The subsequent history of football has been

the record of its growing popularity, subject to repeated attacks for overemphasis, and the game's firm establishment not only as the leading college sport but as one which excites more popular attention than almost any other except professional baseball. In 1927 it was estimated that some 30,000,000 watched games during the fall season. College teams now have rivals in the professional elevens, but for all the charges brought against them for their own professionalism, the college players generally retain enough of amateur status (whatever may be said for their sponsors) to give intercollegiate football an appeal which the professional game still lacks. American football is a unique institution: an amateur college sport which is also big business on a scale impossible in any other country.

[P. H. Davis, *Football*; Walter Camp and L. F. Deland, *Football*.]

FOSTER RHEA DULLES

Foraker Act, THE, of April 12, 1900, provided that the executive department of the government of Puerto Rico was to be composed of a council of eleven members, six heads of administrative departments and five other persons, appointed by the President. Legislative authority was vested in this council and in an elective house of delegates. Provision was also made for a district court. Laws of the United States not locally inapplicable, except as otherwise provided, were to be in force. Native inhabitants residing in the island were to be considered "citizens of Puerto Rico" and entitled to the protection of the United States. Although her general customs laws were to apply, yet a special tariff of 15% of the Dingley²⁷ rates was levied upon all goods entering the United States from Puerto Rico and coming into that island from the United States. Interpreting a clause in the Treaty of Paris, 1898²⁸, the Congress thus took the view that Puerto Rico was not incorporated in the United States in the sense that the clauses of the Constitution concerning citizenship and taxation should be applied to it.

[W. W. Willoughby, *Territories and Dependencies of the United States*.]

WILLIAM SPENCE ROBERTSON

Forbes Expedition, THE (1758), a major campaign of the French and Indian War²⁹, was directed against Fort Duquesne³⁰, focus of French territorial and trading control of the upper Ohio Valley. Commanded by Gen. John Forbes, the force of over 6500 men was composed of Pennsylvanians, under Colonels John Armstrong, James Burd and Hugh Mercer; Virginians, under Colonels George Washington and James Byrd; regulars, of the Highland and North Amer-

ican regiments; Marylanders, under Col. George Dagworthy. Arrangements for commissary, communications and finances were yet formative when in April Forbes was invalidated by an ultimately fatal illness and reduced until mid-September to conducting his campaign by voluminous letter-writing. In the exigency Col. Henry Bouquet of the Royal Americans proved Forbes' brilliant mentor, directing the arduous training of the provincial volunteers and adapting the tactics of the regulars to conditions of wilderness fighting. Bouquet was most influential in the decision to cut a wagon-wide swath through Pennsylvania, the Forbes Road⁹⁹, against intense opposition from Washington and other Virginians who for military or land-speculative reasons favored adoption of the path of Braddock's disaster⁹⁹. From earlier rendezvous at Carlisle and Winchester, in July the main body and the Virginia troops advanced respectively to Fort Bedford and Fort Cumberland⁹⁹. Bouquet had occupied the advance post of Loyalhanna (Ligonier⁹⁹) when in mid-September, almost simultaneously with the costly defeat of a scouting expedition—the Battle of Grant's Hill⁹⁹—the Virginians moved to Fort Bedford and shortly, with Forbes' artillery, joined the main body for an anticipated final push. However, caution after the furious—although unsuccessful—attack of Indians and French upon Loyalhanna⁹⁹ (Oct. 12), frequent rains which hampered communications and demanded heartbreaking additions to the prodigious labor of hewing the Forbes Road, vexations and uncertainties of the commissary, and an habitual tendency of the command to overestimate the strength of the enemy, induced a decision to entrench at Loyalhanna for the winter. But triumph for the English was smoothed by a successful council with the Six Nations at Easton⁹⁹ (Oct. 8–26), the peace missions of Christian Frederick Post, a Moravian missionary, among the Ohio Indians, and the desperate situation of the French under François Marchand de Ligneris at Fort Duquesne—their Indian allies deserting, and their communication with Canada cut by the success of the Bradstreet expedition⁹⁹ against Fort Frontenac. Apprised of conditions by three prisoners taken on Nov. 12, Forbes ordered a forward press. On Nov. 25, viewing the smoking remains of the just-abandoned fort, English-speaking people took permanent possession of the “Gateway to the West.”

[C. Hale Sipe, *The Indian Wars of Pennsylvania*; Alfred P. James, comp., *Writings of General John Forbes*.]

E. DOUGLAS BRANCH

Forbes Purchase, THE, was a 150,000-acre tract along the Apalachicola River in Florida, ceded

by the Seminoles and Creeks⁹⁹ to John Forbes & Co., 1804–11, in settlement of claims for bad debts and losses, arising from Bowles⁹⁹ raids on their trading house at St. Marks and from competition and trade demoralization caused by European wars and frontier rivalry. In 1817, prior to the Florida Cession (*see* Adams-Onís Treaty), the tract was sold to Colin Mitchel. The American commissioners declared the title invalid, but, with the exception of the military reservation of St. Marks, it was subsequently (1835) confirmed to Mitchel by the United States Supreme Court (*Mitchel et al. v. U. S.*, 9 Peters, 711).

[*Florida Historical Quarterly*, Vol. XVI.]

MARK F. BOYD

Forbes Road, THE, was built in 1758 across the rugged wilderness of western Pennsylvania for the use of the Forbes Expedition in the conquest of Fort Duquesne⁹⁹. Directed by Col. Henry Bouquet, working parties aggregating 1400 men linked a chain of advance fortifications, beginning just west of Bedford—in continuation of the established route from eastern Pennsylvania by way of Lancaster, Carlisle and Chambersburg—and passing through Ligonier to Pittsburgh⁹⁹. For thirty years the Forbes Road was the chief highway between the East and the Ohio Valley⁹⁹, its military values supplemented by civil, as streams of emigrants and freighting trains followed it (*see* Wagoners of the Alleghenies). The original route (traced in Lewis C. Walkinshaw, *As Forbes Trailed Through, Western Pennsylvania Historical Magazine*, XIX) is roughly paralleled by U. S. Route 30.

[A. B. Hulbert, *Historic Highways of America*, Vol. V.]

E. DOUGLAS BRANCH

Force Acts comprise the general name popularly applied to various Federal statutes passed to enforce certain national laws and constitutional amendments, particularly in the South. The act of March 2, 1833, authorizing President Jackson to use the army and navy, if necessary, to collect customs duties, was a reply to South Carolina's vigorous defiance of the tariffs of 1823 and 1832 in its ordinance of nullification⁹⁹, Nov. 24, 1832. With the Force Bill went moderation, however. Jackson had conferred with South Carolina Unionists like Joel Poinsett, and Henry Clay had composed a compromise tariff⁹⁹ which substantially met Southern objections. The Force Act, signed on the same day as this new tariff, was therefore only a gesture of national authority to enforce a law already in effect repealed. South Carolina meanwhile (March, 18, 1833) main-

tained its theoretical sovereignty by nullifying the Force Act itself.

In order to maintain the political power of the Republican party (*see* Radical Republicans) and of the Northern industrial class against "white supremacy" aims in the South, as supported by the Ku Klux Klan[™] and other similar organizations, Congress, between 1870 and 1875, passed four acts to enforce recognition of the Freedmen's[™] civil and political rights as guaranteed by the Fourteenth and Fifteenth Amendments[™]. These statutes were: (1) The act of May 31, 1870, which re-enacted the Civil Rights Act of April 9, 1866[™]; reaffirmed the Negro's political rights as guaranteed by constitutional amendment; authorized Federal courts, marshals and district attorneys to enforce penalties on states, groups and individuals who interfered with registrations or voting in congressional elections; and empowered the President to use the land and naval forces to enforce the act. (2) The "federal election law," Feb. 28, 1871, prompted by Republican reverses in the election of 1870, and passed after a Senate investigation, provided for Federal-appointed election supervisors. (3) The "act to enforce the 14th Amendment," April 20, 1871, was aimed particularly at the Ku Klux Klan and other "conspiracies" which were preventing Negro registration, voting, officeholding and jury service. It extended the earlier acts, provided additional Federal penalties for violations, and authorized the President to make summary arrests. Under this act nine counties in South Carolina were placed under martial law[™] in October, 1871. Eventually over 5000 indictments and about 1250 convictions resulted throughout the South under this and the earlier statutes. (4) The Supplementary Civil Rights Act, March 1, 1875, passed as a memorial to Charles Sumner, just before the Republicans lost control of Congress, gave Negroes social equality of treatment in theaters, public conveyances, hotels and places of amusement. Meanwhile, the Supreme Court had maintained discreet silence on these acts, but between 1876 and 1883 in four decisions (*see* U. S. v. Reese; U. S. v. Cruikshank; U. S. v. Harris; Civil Rights Cases) declared the severest of the measures unconstitutional (*see* Home Rule, Restoration of; Solid South). The Court maintained that the Fourteenth and Fifteenth Amendments permitted Federal protection against discrimination only by states and not by individuals or groups, that such protection was limited only to discrimination because of race and color, and limited only to civil rather than social discrimination; and finally, that the Fifteenth Amendment did

not contain a positive grant of the franchise (*see* Mississippi Plan; Grandfather Clause). Eventually (1894) Congress repealed most of the provisions of the force acts, after an unsuccessful attempt in 1890 to pass a new Force Bill.

[D. F. Houston, *A Critical Study of Nullification in South Carolina*; C. S. Boucher, *The Nullification Controversy in South Carolina*; J. G. Van Deusen, *Economic Bases of Disunion in South Carolina*; J. B. Mathews, *Legislative and Judicial History of the Fifteenth Amendment*; W. W. Davis, *The Federal Enforcement Acts, Studies in Southern History and Politics*; C. Warren, *The Supreme Court in United States History*.]

MARTIN P. CLAUSSEN

Force's Tracts were reprints of scarce and important historical writings dealing with the origin, settlement and progress of the American colonies. Published in four volumes (1836-46) by Peter Force, the tracts have been found indispensable by students of American history. Force later projected a similar series of state papers as an aid to the documentary history of the colonies, but only nine volumes were published under the title *American Archives*.

[J. N. Larned, ed., *Literature of American History*.]

CARL L. CANNON

Ford Motor Company, THE, was incorporated in Michigan, June 16, 1903, with a capital of \$100,000 (\$28,000 paid in cash). Besides Henry Ford there were eleven stockholders, who later disposed of much of their stock to Mr. Ford. The remaining outstanding shares were acquired by Edsel B. Ford in 1919, when he succeeded his father as president. In that year the company was organized under the laws of Delaware with an authorized capital of \$100,000,000, and chartered to build automobiles, trucks, tractors, aircraft, internal combustion engines, ships, locomotives and all allied products. The Lincoln Motor Company became a division of the Ford Motor Company in 1922. It manufactures Lincoln and Lincoln-Zephyr cars.

Heart of the company's activities is the 1100-acre Rouge Plant, in Dearborn, Mich.—"the largest industrial plant in the world"—with its blast furnaces, coke ovens, foundry, machine shops, body plant, glass furnaces, cement plant, steel mills, open-hearth furnaces, tire plant, paper mills, by-products plants, power plants, locomotive plant, a score of other "industries within an industry," trade, training and apprentice schools and emergency hospital. Near the Rouge Plant in southeastern Michigan, evidence of the progress of Henry Ford's decentralization program, are a score of small hydroelectric parts manufacturing plants, and others are at St. Paul, Minn., Iron Mountain, Mich., and Green Island, N. Y.

In the United States the company has thirty-four branches (normally employing 125,000 men); buys from some 7000 independent manufacturers; and is represented by more than 9000 dealers. It owns iron mines and timberlands in Michigan (logging, sawmills, dry kilns, body parts plant and world's largest wood distillation plant); it operates a rubber plantation, on a concession of 2,500,000 acres, in Brazil; a fleet of twenty-nine lake- and ocean-going vessels. It owns a majority of stock or is affiliated through stock ownership with thirty-one foreign Ford companies, including the Ford Motor Company, Ltd., whose Dagenham (England) plant is the largest automobile factory in the world outside the United States.

High points in the company's history include: (1911) the winning of the Selden Patentsm suit, which liberated the whole automobile industry from the domination of a licensing group; (1914) the establishing of the eight-hour day and a minimum daily wage of \$5 (now \$6); (1918) manufacture of war material (helmets, liberty motors, eagle boats, tractors, gun carriages) for the Government; (1926) inaugurating the five-day week. Throughout its history the company has pioneered in good industrial relations (the Ford Investment and Profit Sharing Plans have paid employees more than \$640,000,000 over and above wages), safety and health measures and in the methods of modern mass productionsm, material handling, conveyor and assembly systems, precision and inspection standards, design and construction of dies, tools and machines. Its shops are models in sanitation, safety and efficiency for all industry.

From the period of its incorporation in 1903, through December, 1938, the total automobile production of the Ford Motor Company was 26,912,657 units; total sales (including excise taxes) were \$15,020,735,474; total wages and salaries \$4,004,436,903; total purchases \$9,424,883,593; total taxes (including excise taxes) \$652,679,050.

D. KENNETH LAUB

Fordney-McCumber Tariff, THE (1922), was designed to protect "infant" war industries and farmers distressed by price declines. After prolonged debate, sharp tariff increases were granted grains, meats, sugar, wool and many minor farm products. The textile rates of 1897 and 1909 were generally restored, and duties were increased on dyes, ferro-alloys, chinaware, laces, etc. The President was empowered to change tariffs so as to equalize cost of production between American and foreign products—the "flexible" tariff. Some form of "American" rather than invoice value

was authorized as a duty-base if "necessary." The improvement in structure of schedules and of administrative provisions was largely due to Tariff Commissionsm drafting.

[F. W. Taussig, *The Tariff History of the United States*, 8th ed.]

FRANK A. SOUTHARD, JR.

Ford's Peace Ship (*Oscar II*) sailed from Hoboken on Dec. 4, 1915. Henry Ford had been distressed by the waste of human life in the World War, and was led to finance an unofficial mission to the Scandinavian countries in the hope that neutral governments might be induced to offer an armistice to the belligerents. The leaders of the movement, which was largely initiated by the Hungarian feminist and pacifist, Madame Rosika Schwimmer, hoped that it might at least be possible to publicize the aspirations for immediate, constructive and lasting peace. The movement met with sneers and jests in the United States and with general indifference in Europe. It did, however, lead to the establishment of the Conference for Continuous Mediation, an unofficial committee with headquarters at Stockholm which did something to clarify European opinion on the question of a liberal and permanent peace.

[Louis P. Lochner, *America's Don Quixote: Henry Ford's Attempt to Save Europe*; Merle Curti, *Peace or War, the American Struggle, 1636-1936*.]

MERLE CURTI

Foreign Affairs, Committee for. See Revolutionary Committees.

Foreign Enlistment. The neutrality legislation of the United States has not (like the British Foreign Enlistment Act of 1819) prohibited the enlistment of American citizens or their acceptance of commissions in the service of a foreign prince or government when that act takes place outside of the United States, although such enlistment has been prohibited inside of the United States since 1794. By withholding passports to American citizens going to belligerent countries, the Government can handicap such unneutral service of its citizens recruited outside of its territory, as it did in the case of the Spanish Civil War beginning in 1936.

[C. G. Fenwick, *The Neutrality Laws of the United States*.]

SAMUEL FLAGG BEMIS

Foreign Groups suggest minority groups. Minority groups in the United States, however, differ from national minorities in Europe in that there are no areas here in which the majority is culturally and nationally associated with outside countries. Moreover, foreign groups are not identical with racial minorities, such as the Negroes

in the South, Indians on reservations and Orientals on the Pacific coast. Racial problems are more serious and permanent, because they are less submissive to the healing process of time. Foreign groups, which are held together for a time by language, customs and religion, have melted away in the powerful American environment.

In spite of a racial kinship with the native population, however, foreign groups have in times past threatened to disturb the tranquillity of American communities. For a time at least, the individual immigrant was a nonconformist; and larger groups of individuals belonging to national minorities gave wholesome concern to citizens who feared for the safety of American institutions. Some of their own leaders and politicians augmented these fears by appealing to narrow self-interests and nationalistic antipathies. The clash between majorities and minorities brought forth such nativistic phenomena as Know-Nothingism, A. P. A.-ism, the Ku Klux Klan, and the Americanization movement⁹⁹.

[H. P. Fairchild, *The Melting-Pot Mistake*; J. M. Mecklin, *The Ku Klux Klan*; G. M. Stephenson, *A History of American Immigration*.]

G. M. STEPHENSON

Foreign Investments in the United States.

From the time when Raleigh spent a private fortune to promote settlement in this country there has been a continual flow of capital from Europe to the United States. Some of it has been in the form of capital brought in by immigrants and some of it in the form of direct investments in real estate, banks, industries, transportation companies and government bonds. Except in specific cases exact amounts can rarely be ascertained; total figures of indebtedness must be continually checked against emigrant remittances to Europe, travelers' expenditures, freight rates paid to Europeans, American investments abroad and other items.

Except for private indebtedness to Europeans, which was largely wiped out by the Revolution (see British Debts), the American colonies were not heavily encumbered at the end of the colonial period. Failure of corporate ventures, except for the Hudson's Bay Company¹⁰⁰, had discouraged direct investment during the early years. During the Revolution, France, Spain and Holland loaned us approximately \$7,830,000 and at the time of the adoption of the Constitution net indebtedness was around \$20,000,000. Hamilton's scrupulous policy of paying foreign debts and the fact that the Federal Government, 1835-37, was actually free of debt strengthened foreign confidence in American future. Chiefly through

Foreign Language Press

Baring Brothers and Company Europeans invested \$7,000,000 in the First Bank of the United States¹⁰¹; \$8,000,000 in the Second Bank, and some \$150,000,000 by 1843, the latter mostly in state bonds and transportation companies. The Panic of 1837¹⁰² with the defaulting of their obligations by several American states dried up temporarily the flow of European capital, but by 1860 it had climbed to approximately \$400,000,000. Halted again by the Civil War and later by the Panic of 1873¹⁰³, foreign investments increased during the early 1880's to \$2,000,000,000, of which \$1,535,000,000 were in railroad securities.

The great era of railroad building brought other than British investors into the American market. A careful study made in 1899 estimated British investments at \$2,500,000,000; Dutch, \$241,000,000; German, \$105,000,000, Swiss, \$75,000,000 and French, \$50,000,000.

At the opening of the World War foreign investments in this country were estimated at between \$4,000,000,000 and \$5,000,000,000, about half of which was dumped on the American market during the war. Prosperity in the 1920's, however, enticed new capital. The best recent estimate is \$4,557,000,000 in 1933, an amount which has undoubtedly grown. Since 1900 this country has increased her own investments abroad and during the war reversed her position from a debtor to a creditor nation (see Debts, Foreign).

[N. T. Bacon, *American International Indebtedness*, *Yale Review*, IX, George Paish, *The Trade Balance of the United States*, *United States National Monetary Commission*, XX; C. J. Bullock, J. H. Williams, R. S. Tucker, *The Balance of Trade of the United States*, *Review of Economic Statistics*, July, 1915.]

H. U. FAULKNER

Foreign Language Press. The German settlements of Pennsylvania provided the first foreign-language newspapers. In 1732 Franklin experimented with the *Philadelphische Zeitung*, but Christopher Saur in 1739 began the first permanent German publication at Germantown. Henceforth the German were the most numerous of the foreign-language publications; especially since the 19th century immigration was represented by many presses in Cincinnati, St. Louis and Milwaukee. Another early development was the French press of Louisiana, begun in 1794 by a refugee from Santo Domingo, and sustained by later immigrants from France. The great flood of immigration¹⁰⁴ which came in the later 19th century introduced many foreign groups whose interests were served by newspapers in their own tongues. These were clustered in the large cities, where Italians, Poles, Bohemians, Spaniards and Jews were numerous; although an important

Scandinavian group in the Northwest represented a farming population.

The immigrant press depended for its support upon a homogeneous non-English-speaking population, whose native interests and culture it represented. Thus the early German, with its political refugees of 1848, maintained a high intellectual standard, whereas groups with no literary background were inclined to be narrow and provincial. Religious and nationalistic viewpoints were often marked, and Old World antagonisms were sustained. Radicalism was transplanted from Europe through anarchist and socialist papers, which found a public in the congested urban centers. The remarkable development of the Yiddish press, beginning in New York in 1872 and culminating in the influential *Jewish Forward*, illustrates this trend, although radical papers are found in many languages. Some few tried to be agents in Americanization, like the New York *Staats-Zeitung* which its publisher called "an American newspaper published in German," yet their existence depended upon continued immigration and they tended to lose readers who learned English. The number of German papers has steadily declined since 1894.

During the World War foreign-language papers reflected the point of view of the fatherland or of a suppressed minority (such as Poles, Czechs or Ukrainians), or perhaps became the bearers of paid propaganda⁷. Later they were compelled to protest their loyalty to America or be suspected of sedition. A close watch was kept over them by the Government, but none was suppressed.

[Robert E. Park, *The Immigrant Press and Its Control*; A. M. Lee, *The Daily Newspaper in America*.]

MILTON W. HAMILTON

Foreign Policy. Often people say that the United States has no clear and definite foreign policy. A survey of the history of American foreign relations shows the contrary: that the nation has developed very clear-cut principles of foreign policy. Temporary departures from these principles, 1898-1921, served to confuse the historical perspective and blur the clear lines of traditional policy by a Great Aberration (the acquisition of the Philippine Islands in 1898 and sequent Far Eastern Policy) and a Strange Interlude (the intervention of the United States in the World War). This Aberration and this Interlude only make the more clear, by contrast, the fundamentals of American foreign policy. Today the foreign policy of the United States has gravitated pretty much back to the principles laid down in the formative period, 1775-1823, with some carefully studied renunciations.

The fundamentals of American foreign policy as laid down by 1823 were: (1) The Freedom of the Seas⁸, which is the definition of neutral rights that appealed to nations with small armed navies, nations most likely to be neutral: free ships, free goods⁹, freedom to trade between port and port of a belligerent¹⁰ in noncontraband, restriction of contraband¹¹ to arms, ammunition and implements of war; only effective and real blockade¹² to be recognized; and the abolition of the capture of private property on the high seas. This last clause remained an ideal advocated but never realized. The other clauses were written into international law¹³ during the 19th century, but the belligerent naval practice of the United States during the World War, and the neutrality legislation of 1935-39¹⁴ has undone the old policy of the Freedom of the Seas. (2) Abstention from entanglement in European politics (laid down in Washington's Farewell Address in 1796 and repeated in the Monroe Doctrine in 1823¹⁵). (3) Opposition to the transfer of any existing European colony on the American continents to any non-American sovereign (expressed as early as 1801 in regard to Louisiana, in 1810 in regard to Florida and generally considered an interpretation of the Monroe Doctrine). (4) Opposition to the extension of territory or further colonization of the American continents by European powers (expressed in the Monroe Doctrine in 1823). (5) Opposition to the interference by European powers in the political affairs of the independent states of the New World (expressed in the Monroe Doctrine). (6) The furtherance of trade everywhere on the basis of reciprocity of treatment. (7) Continental expansion. (8) The right of expatriation¹⁶.

In the achievement of American independence, the redemption of American territorial integrity within the boundaries of 1783, the expansion of American territory through to the Pacific Ocean (as secured in the Adams-Onís Treaty¹⁷ of 1819 with Spain) and the successful foundation of the principles of American foreign policy by 1823, success was due in large part to the distresses of Europe.

Europe's distresses were America's advantages. Independence itself was achieved, thanks to France's desire to readjust the balance of power destroyed to her disadvantage by Great Britain in the Seven Years' War (*see* French and Indian War), as well as by the European situation that accompanied the American Revolution, which brought into that conflict, as enemies of Great Britain, not only France, but also Spain and the Netherlands, and which grouped the neutral states, in the Armed Neutrality of 1780, against

British arbitrary measures of naval policy. During the ensuing wars of the French Revolution and the Napoleonic period the great European colonial powers were so engrossed in wars among themselves that the United States was able to secure the evacuation of its territory by Great Britain (1794) and Spain (1795); and, at the expense of Spain, France and Great Britain, to push its way across the Mississippi Valley and the Rocky Mountains to the Pacific Ocean, thus staking claims for the transcontinental nation of today; and to proclaim the Monroe Doctrine after the distresses of Europe had precipitated the independence of the Spanish American colonies and of Brazil. Until this day the distresses of Europe have contributed to the advantage of American diplomacy.

Throughout the remainder of the 19th century both political parties in the United States followed the principles laid down in the foundation of American foreign policy, with no major deviation. The greatest of these principles, the most ardent and enduring expression of American nationality, was continental expansion, achieved in 1848 (*see* Guadalupe Hidalgo, Treaty of) and supplemented by the purchase of Alaska⁷⁰ in 1867. The following generation, one of the quietest in the history of American diplomacy, the generation preceding the Spanish-American War⁷¹ of 1898, was devoted to the settlement of the newly won continental domain. By the close of the 19th century the West⁷² had been settled and the great industrial revolution⁷³ had transformed the economy of the United States from a simple agricultural economy to a complex industrial economy, and, so then it fondly seemed, filled the home market to overflowing.

The rise of two new foreign navies, potential enemies, singly or allied, across each ocean, at the end of the century, coincided with the transformation of American economy and exerted a strong influence on foreign policy. It indicated the necessity of a powerful navy, strong enough to defend either or both coasts, and the indispensability of an isthmian canal controlled by the United States. As long as the British navy had remained the only formidable maritime force that could seriously threaten the United States, there was no great concern, because Canada as an undefended flank of the British Empire served as a constant hostage for the benevolent behavior of the British navy. The appearance of rapidly growing Japanese and German navies was extraordinarily significant and emphasized to the few thoughtful people on foreign policy the overwhelming necessity of a canal. The Panama

Canal⁷⁴, now achieved (since 1914), still remains the dominating symbol of American foreign policy, vital to the naval defense of the United States and indeed of the whole New World.

The real cause of the Spanish-American War, after all the arguments of historians are carefully noted, was the necessity of securing strategic control of the ocean entrances to the Isthmus. That war was followed by a benevolent imperialism⁷⁵ in Central America and the Caribbean designed to fortify the same control by affording political and economic stability in those countries such as would remove justification or pretext for non-American intervention within striking distance of the Panama Canal. The comparative benevolence of this imperialism did not make it less hateful to Latin America, and brought about dislike and distrust for the United States by the other American republics. In the period 1895-1914, and before, there had been a distinct danger of non-American intervention, which was thwarted by the United States and the Monroe Doctrine (specifically, in Venezuela in 1895 and 1902, Dominican Republic, 1905, Mexico, 1912⁷⁶). That danger largely disappeared—at least on the Atlantic side—after the World War with the temporary collapse of Germany, and the disappearance of the danger was followed by the rapid liquidation of American imperialism in Central America and the Caribbean and a consequent better understanding with the republics of the New World, fortified by creation of an inter-American peace structure based on conciliation, arbitration and the strictest multilateral pledges against resort to war or to intervention directly or indirectly, for any reasons whatever, in the internal or external affairs of any American republic (*see* Pan-American Conferences). The danger to the Monroe Doctrine has more recently reappeared most menacingly across each ocean.

The Spanish-American War produced a curious departure from traditional policy which cannot be qualified otherwise than as a Great Aberration: the sudden and unpremeditated acquisition, after incidental conquest in war, of the Philippine Islands⁷⁷ on the other side of the Pacific. This profoundly influenced American foreign policy, impelling it into adventures outside its vital geographical sphere of interest. Before the acquisition of the Philippines, the lack of a military or naval American base near China had tempered American policy almost to one of propitiation of that vast and backward country then being so easily exploited by the diplomacy of the imperialistic powers of Europe, and, later, of Japan. Convinced of the absence of aggressive

intentions or tendencies on the part of the United States, the Chinese government readily granted to the United States expansive most-favored-nation trading privileges and guaranties, by means of which the United States picked up without effort or enmity equal rights in the trading privileges granted to European powers as a result of their military action against China. To the United States it was desirable that the territory and sovereignty of China be kept intact lest these equal trading rights—what later came to be called the Open Door^{qv}—be shut off by the introduction of other sovereignties on the ruins of China. But the policy of the Open Door, and of the integrity of China, never was a major principle of American foreign policy, like the Monroe Doctrine, until after the acquisition of the Philippine Islands.

When the United States took over the Philippines, China was threatened with partition by the rival European imperialistic powers and by Japan. Now a great power with Far Eastern territory, the United States in 1899 effected a temporary but insecure balance of power on the basis of the Open Door policy. During the Boxer Rebellion^{qv} (1900) the United States “co-operated” with the other imperialistic powers in military intervention for the relief of the foreign nationals besieged in Peking, but in a series of pronouncements (1900–1905) recorded itself as the moral and peaceful protagonist not only of the Open Door but of the integrity of Chinese territory and sovereignty—this in the face of the ambitious rival powers, notably Russia and Japan.

Before the World War, American diplomacy was defined by Mahan's three-way formula: in the Caribbean, predominance; in Europe, abstention; in the Far East, co-operation. This formula, widely accepted by 1913, has not stood test of time and reality in all three items.

The intervention of the United States in the World War on the side of the Allies against Germany may truly be said to present a Strange Interlude in the diplomatic history of the United States. It is explained with difficulty by a complex of cultural, emotional, economic and political causes, of which the final precipitating one was Germany's defiance of the traditionally American policy of the Freedom of the Seas as expanded by President Woodrow Wilson to mean the defense of American citizens against violations of international law even when those violations were directed *against foreign flags* (belligerent flags) by a reckless and desperate enemy. That it was a Strange Interlude, rather than a consistent chapter in the history of Amer-

ican foreign relations, is suggested by the fact that the nation repudiated the Treaty of Versailles, and the League of Nations^{qv} which Woodrow Wilson wrote into that treaty as the chief consummation of his ideals, and that the neutrality legislation of 1935–39 is a complete renunciation of the Wilsonian concept of the Freedom of the Seas.

Mahan's old three-way formula therefore is not a correct representation of American foreign policy as seen today in retrospect and actuality. The foreign policy of the United States today is one of a self-sufficient continental republic whose interests dictate the desirability of World Peace, but not our intervention in the non-American world for the preservation of such peace. It is a truly Continental Policy “Co-operation” in Far Eastern affairs has quietly been dropped. The Philippines have been emancipated, and the United States seems to be retiring from any active or major policy in Asia. Isolation from European diplomacy and politics is more pronounced than ever. In the New World the Monroe Doctrine has been pruned of all interventionist “corollaries” and is back to its pristine concept of “hands off” the New World, including the hands of the United States. American imperialism has been liquidated down to the basis of a protectorate over the potential canal state of Nicaragua, without any economic implications or intervention in local sovereignty. The Continental Policy is meanwhile being adjusted to the defense of the continental United States, Alaska, the Panama Canal, and its outlying citadels in the Caribbean and the Pacific (notably the Hawaiian Islands^{qv}). American naval, aerial and army establishments are geared, perhaps with insufficient preparation, to the basis of this policy.

Such was the pattern of the foreign policy of the United States on Sept. 1, 1939

[Samuel Flagg Bemis, *Diplomatic History of the United States*.]

SAMUEL FLAGG BEMIS

Foreign Service of the United States, THE, had its origin during the Revolutionary War, when diplomatic representatives were sent to several foreign countries by the Continental Congress^{qv}. After the adoption of the Federal Constitution^{qv}, Congress soon made an appropriation for the salaries of ministers and *chargés d'affaires*, and a law of 1792 defined the powers and duties of American consuls. These were usually merchants established in foreign cities, whose compensation consisted of fees collected for services to shipmasters or other merchants.

Foreign relations were very important during

the first forty years after the Declaration of Independence, and several of the Republic's leading statesmen represented the country abroad at one time or another. After the War of 1812 there was less interest in questions of foreign policy⁷⁷, and it became customary to appoint both diplomatic officers and consuls solely as a reward for political services, with little regard for fitness or training. The consuls, especially, were notoriously incapable and sometimes dishonest.

By the act of Aug. 18, 1856, the diplomatic and consular services were given a more definite organization. Salaries for diplomatic representatives were fixed and the post of secretary of legation was established. Consuls at certain posts were placed on a salary and forbidden to engage in trade on their own account, and a fixed tariff of fees was enacted to do away with the extortion which some officers had practised. At the same time a provision for "consular pupils," selected on the basis of fitness, was adopted as a first step toward the creation of a trained service. This did not produce any important results because almost all important appointments were still made solely for political reasons.

Until 1894 the United States was represented at foreign capitals by ministers or *chargés d'affaires*. In that year ambassadors⁷⁸ were sent to Great Britain, France, Russia and Germany. They are now (1939) sent also to a considerable number of other countries.

Conditions in the consular service were materially improved by the act of April 5, 1906. This classified consular posts on the basis of relative importance, and fixed salaries accordingly. It further provided that each consulate general or consulate should be inspected at least once in two years by officers selected for the purpose from within the ranks of the service. No consul general, consul or consular agent receiving a salary of more than \$1000 was to be permitted to engage in commerce within his consular district. The reorganization thus effected made it possible to place the whole consular service under a merit system⁷⁹, and an executive order issued by President Theodore Roosevelt on June 27, 1906, provided that vacancies in the higher classes should thenceforth be filled by promotion on the basis of efficiency and those in the lowest classes by examination.

Diplomatic secretaries also were given a civil-service⁸⁰ status by President Taft's executive order of Nov. 26, 1909. New appointments were to be made only in the lower grades, and more important positions, under the rank of minister, were to be filled by promotion for efficiency. The order also directed the Secretary of State to report

to the President from time to time the names of secretaries in the higher grades who had demonstrated special capacity for promotion to be chiefs of mission. This latter provision was intended to open the way for the appointment of trained men as ambassadors and ministers.

The appointment of consular officers to serve at specific places, and the fixing of salaries according to posts, caused a lack of flexibility which was remedied when the act of Feb. 5, 1915, provided that appointments should thenceforth be made to classes in the service rather than to posts, and authorized the President at his discretion to transfer men from one post to another. The same act authorized the assignment of diplomatic and consular officers for service in the Department of State for periods of not more than four years at a time, thus making it possible to utilize in Washington the experience of men trained in the foreign field. The personnel of the political divisions and of some of the administrative divisions in the Department of State has ever since been recruited largely in this way.

The tremendous increase in the amount and importance of the work of the diplomatic and consular services during and after the World War focused attention on weaknesses which were still apparent. The consular service, since the reorganization of 1906, had been built up into a fairly efficient and well-trained organization, but salaries were still inadequate to attract and hold a sufficient number of well-qualified men. In the diplomatic service salaries were ridiculously low, for secretaries of Class I, the highest grade below the rank of minister, received only \$3000 per annum before 1920 and \$4000 thereafter. The field of choice in making appointments was consequently practically confined to men who had considerable independent incomes. The opportunities for advancement were still small, for career men were only occasionally and exceptionally appointed as minister or ambassador, and several of those who had been promoted from the ranks had later been removed to make places for political appointees. The complete separation between the diplomatic and consular services was another factor which diminished the usefulness of both.

The Rogers Act of May 24, 1924, effected a complete reorganization. The Foreign Service of the United States, comprising both diplomatic secretaries and consular officers, was divided into ten grades, with salaries ranging from \$1500 in the lowest or unclassified grade to \$9000 in Class I. Any officer might be assigned to duty in either the diplomatic or the consular branch. All were subject to promotion on merit, and initial ap-

pointments were to be made after examination and a period of probation. A contributory retirement system was established, with generous allowances based on length of service. After the passage of the act, the State Department's machinery for administering the foreign service was reorganized and a Foreign Service School was established for the training of newly appointed officers.

Since 1924 the Foreign Service has been strengthened in several further respects. Allowances for rent and representation, or entertainment, have been provided, as well as allowances to cover the cost of living at especially expensive posts. Residences for American diplomatic or consular representatives have been built in a number of foreign cities. In 1931, the salary scale was changed somewhat to permit increases for each year of service within a grade, and by the same act of Congress the clerical force in diplomatic missions and consulates was classified and placed in a more secure position.

The Rogers Act and subsequent legislation effected a notable improvement in the efficiency and morale of the service and in the quality of candidates applying for appointment. The work of the service has continued to increase in volume and complexity in recent years, with the rapid growth of American investments abroad and the manifold problems created by the depression.

One of the most significant developments has been the appointment of a considerable number of career men to the highest positions in the service. Before the World War almost all American ambassadors and ministers were still appointed for political reasons, often in return for contributions to party funds. In 1937, on the other hand, nearly one half of the ambassadors and ministers in the State Department register were men who had had training in the lower ranks of the Foreign Service or in the Department of State.

[Tracy Lay, *Foreign Service of the United States.*]

DANA G. MUNRO

Foreign Trade as a Factor in American Wars. Because of the importance of the United States as a producer and exporter of raw materials and foodstuffs, complications involving foreign trade have been important causes of most American wars. When Great Britain, in line with mercantilist theory, attempted after 1763 to strengthen and enforce her navigation and trade acts⁹⁹, the tension between the metropolis and the colonies increased. The Sugar Act of 1764, which seriously endangered the West Indian trade;

the Townshend Acts, of 1767, which increased tariffs; the Tea Act of 1773, which further endangered freedom of trade; and the Boston Port Bill of 1774⁹⁹, which closed the port of Boston to commercial navigation, were all steps leading directly to the Revolution⁹⁹.

Quite as significant was foreign trade in bringing on the War of 1812⁹⁹. American commerce which had prospered tremendously during the wars of the French Revolution and the Napoleonic Wars was hampered after 1804 by enforcement of the Navigation Acts, by British Orders in Council, Napoleon's decrees, confiscation of American ships and impressment of American sailors⁹⁹. When the United States responded to these violations of neutral rights by the Embargo and Nonintercourse Acts⁹⁹ foreign trade was almost ruined. Probably the chief influence in precipitating the war was the bitterness of western farmers toward Great Britain for curtailing American exports in agricultural products.

Foreign commerce entered directly into the background of the Civil War⁹⁹. The South, with her economic life based primarily upon the production and exportation of cotton and the importation of finished products, resented protective tariffs; and the victory in 1860 of the Republicans, committed to the protective system, as well as the Morrill Tariff of 1861⁹⁹, was a strong influence in precipitating secession. The exaggerated belief in the international economic importance of cotton ("No power on earth dares make war on it") also strengthened the South in its decision to secede (see "King Cotton").

Even in 1898 Cuban prosperity was dependent upon trade with this country. When the Wilson-Gorman Act⁹⁹ (1894) restored a 40% duty on sugar, Cuba was plunged into depression and rebellion against Spain, a rebellion leading directly to the Spanish-American War⁹⁹. Foreign trade played an equally important part in the World War⁹⁹. Although both Germany and Great Britain violated neutral trading rights, this country declared war on Germany rather than Great Britain chiefly for two reasons: first, the close economic alliance with the Allied Powers developed through large-scale wartime trade; and, second, because of Germany's submarine depredations in an effort to break the British blockade.

H. U. FAULKNER

Forest Fires were regarded with indifference until about 1890. Fire lightened the labor of carving fields and home sites from the original wilderness and was universally used for that purpose. Because of the insatiable land hunger, the

cutting of large bodies of commercial timber was viewed merely as a step toward eventual land clearing and cultivation. The concept of timber as a crop did not begin to take hold until recently. From this background arose a deeply rooted tradition that fires when not actually beneficial were of little harm. When disastrous conflagrations occurred at times of high wind and great drouth, the appalling destruction to forest growth, farm structures and human life left no constructive imprint on men's minds. The reckless use of fire for land clearing and other purposes which caused the disaster would be continued until another conflagration occurred.

Fire control in its modern form began when, after five complacent fire years, the Forest Service of the Department of Agriculture⁷⁰ was rudely awakened to the magnitude of its task by the fire season of 1910. A shortage of precipitation combined with high winds and dry lightning storms led to losses on the national forests alone of nearly 5,000,000 acres with tangible damage of over \$24,000,000. Since that time, despite enormous increases in the human uses of the forests and increasingly unfavorable weather, the average annual losses per million acres protected on the national forests have been reduced from over 7000 to less than 1500 acres. In many areas, state and private protective organizations have equal accomplishments to record. In others, notably in the Southern states, forest protection is just getting under way.

The technological advancement which has brought this about has been accompanied by a fundamental change in public attitudes. As a result of generations of lack of appreciation of forest values together with characteristic American lack of respect for law and safety precautions, there are even yet an incredible number of fires caused by incendiarism and carelessness. But the tide is turning. The myth that our timber supply is inexhaustible has been abandoned. The view that timber is a crop to be managed and conserved has largely replaced the idea of forests as a resource to be mined and destroyed. There is growing recognition that fire control will often double the desirable yield to be obtained from unprotected forests. There is better understanding of the close relation of fire control to water conservation, flood and erosion prevention, wild life conservation and outdoor recreation.

[Ralph C. Hawley, *Forest Protection*]

ROY HEADLEY

Forests. Nearly one third of America is covered with forests. Out of a total United States land

acreage of 1,903,000,000 acres, 615,000,000 acres support tree growth.

These forests vary from the immense redwoods and Douglas firs of the damp Pacific coast, growing in dense stands with tops extending two and three hundred feet above the ground and butts ten or fifteen or even twenty feet through, to the small, scattered pinons and junipers of the southern Rocky Mountains which grow at the edge of the desert, and the stunted alpine fir, hemlock, spruce, balsam and limber pine of mountaintops. They include several hundred different tree species and are found in every state of the Union. In total volume of wood material growing in the United States the following are the twelve major species: Douglas fir, ponderosa pine, true fir, Southern yellow pine, Western hemlock, Western spruce, oak, redwood, Northern hardwoods (birch, beach, maple), lodgepole pine, sugar pine, Western larch.

The values of the forest may be divided into three major categories. They supply highly important raw materials⁷¹ which meet the many vital needs of American citizens. They help to protect the soil from erosion and to reduce the severity of floods by regulating the run-off of water. They also furnish the outstanding environment for recreation.

The following, in order of the volume of timber which goes into each annually, are the major products into which the wood cut from the forests is converted. lumber, fuelwood, ties, fence posts, pulpwood, cooperage, mine timbers, veneer logs, shingles. The development of these products not only provides the people of America with essential materials but also gives hundreds of thousands of people an opportunity to earn their livelihood in their harvesting and manufacture.

The value of the forests in reducing the severity of erosion and floods varies greatly from one region to another. The rougher the topography, the more important the conservation of the forest usually is. In all cases forest devastation has some bad effect, while in many instances, as for example on much denuded land in the Appalachians, it has been disastrous.

People come to the forests for many types of recreation. Some people find their chief recreational enjoyment in driving around on roads. Others like to stop and camp or picnic in the forest shade. Yet others stop less transiently at resorts, group camps, or at their own private vacation homes. In winter there is a rapidly accelerating use of the forests for skiing, snow shoeing and tobogganing. The forest environment is also outstanding for the enjoyment of wild life. Most distinguished of all forms of forest

recreation, however, is the taking of trips into wilderness areas where one can leave the ordinary life of 20th-century civilization and return to the adventurous and all but vanished life of pioneer times.

Approximately three quarters of the forest land of the United States is in private ownership. Unfortunately, such ownership has generally resulted in serious depreciation of the native forest values. The objective in owning land privately is generally to make a profit from it. The most usual way such profit is made is through timber cutting. Since destructive cutting generally costs the owner less than nondestructive cutting, most private logging has resulted in seriously depleted lands. This has reduced the raw material available for the use of American citizens. It has caused much serious erosion and has increased the severity of floods. It has also rendered vast acreages unfit or seriously reduced in value for recreation.

Approximately one fourth of the public forest lands are in state, county or municipal ownership while about three quarters are in Federal ownership. The former are managed for varying purposes. Some are used exclusively for recreation, others have their timber sold to private companies in order to produce revenues for running the governments. Millions of acres were acquired by state or local governments through nonpayment of taxes and are virtually in a denuded condition.

The great majority of the Federal forest lands are in national forests. The basic principle governing their administration is that they should be used in a way that will not permanently depreciate their value. Forest Service plans call for the eventual logging of most of the national forest timber lands. Such logging will not involve the destruction of the stands but merely the harvesting of the mature and overmature trees. Intermediate trees and young growth will be reserved for future cutting, and the uncut trees will scatter seeds to start new forests. At the same time areas of special recreational value will be reserved from all cutting.

On the other hand, the entire area of national parks²⁷ is closed to timber cutting as well as to all other forms of commercial use except taking care of tourists. National parks in general are areas of highest scenic value which should not be depreciated by any form of commodity development. Yellowstone, Sequoia, Yosemite, Mount Rainier, Glacier and Great Smoky Mountains National Parks are famous for the preservation not only of outstanding natural phenomena but also of glorious forests. (See also Lumber Industry.)

[Forest Service's bulletin, *A National Plan for American Forestry*; Latest Annual Reports of the Park Service, the Forest Service and the Indian Service.]

ROBERT MARSHALL

Forges, Early Importance of. During the 17th century most of the meager amount of iron used in the American colonies was imported from England in the form of nails, locks, tools, implements and small quantities of bar iron. The few ironworks that were established near the bog²⁸ ores of the coastal region of New England during this century added somewhat to the supply. It was not until the early part of the 18th century, when ironworks began to flourish in New England and were also erected in other colonies, that the iron industry²⁹ became important in colonial economic life. Before the period ended, blast furnaces which produced pig iron and castings, as well as forges which furnished bar iron for manufactures, could be found in almost all the American colonies.

Two types of early forges existed: bloomery forges (bloomeries) and refinery forges. At the former, bars of wrought iron were obtained by the primitive process of heating iron ore to a semi-molten mass and hammering it under heavy hammers driven by water power. At the refinery forges, pig iron from blast furnaces was heated and hammered, reheated and rehammered, under ponderous water-driven hammers until a refined form of wrought iron was produced. The bar iron was shaped into finished products by blacksmiths³⁰ who occupied an important position in iron manufacture at this time. There were hundreds of blacksmith shops scattered over the colonies where bars of forged iron were wrought into axe-heads, hoes, shovels, chains, scythes, hinges and other forms of iron products.

By 1775 there were more forges in the American colonies than in England and Wales, and the output of bar iron was larger in America than in the mother country.

As the American iron industry grew in the 18th century, attempts were made by English forge masters to influence Parliament to pass laws prohibiting or restricting colonial forges. While several Parliamentary committees seriously considered such petitions and memorials, even suggesting bills in 1719 and 1738-39 to curtail the operations of colonial forges, all efforts resulted in failure. When the Iron Act of 1750³¹ was passed, encouragement was given to the production of colonial pig iron and bar iron, but mills producing more advanced types of iron were restricted.

[Arthur C. Bining, *British Regulation of the Colonial Iron Industry*; Arthur C. Bining, *Pennsylvania Iron Manu-*

facture in the Eighteenth Century; V. S. Clark, *History of Manufactures in the United States, 1607-1860.*]

ARTHUR C. BINING

"**Forgotten Man, The,**" was the title of a public lecture delivered by William Graham Sumner, of Yale University, in 1883. By this term he identified the man who "pays" for political and social extravagance. The term was revived by Franklin D. Roosevelt in an address at Warm Springs, Ga., May 18, 1932.

[*Dictionary of American Biography*, Vol. XVIII, p. 218; Article, *New York Times*, Sept. 18, 1932, VIII, 1.]

ALVIN F. HARLOW

Forman's Colony was one fostered by Gen. David Forman of New Jersey, who made arrangements with Gardoqui, Spanish minister to the United States, in 1789 on behalf of his brother Ezekiel Forman of Philadelphia. Actual settlement in 1790 of sixty Negro slaves was made with the aid of Maj. Samuel S. Forman on 500 acres of land on the St. Catherine, four miles from Natchez^m.

[Dunbar Rowland, *Mississippi.*]

JAMES W. SILVER

Forman's Massacre was incidental to the Indian attack of 1777 on Fort Henry^m on the site of Wheeling, W. Va., Capt. William Forman of Hampshire County, (West) Virginia, who had come to the rescue of the fort, grew impatient at not finding Indians and went on a scouting expedition. He was surprised in McMechen Narrows, midway between present Moundsville and Wheeling, and, together with twenty of his companions, was killed.

[Charles H. Ambler, *A History of West Virginia.*]

CHARLES H. AMBLER

Forsyth's Fight. See Beecher Island, Battle of, 1868.

Fort: All forts are indexed under the identifying name of the fort rather than under such headings as Fort —, except where the designation has become attached to a continuing city.

Fort Hill Letter (Aug. 28, 1832), Calhoun's definitive statement of nullification^m doctrine, was addressed at his South Carolina home to Gov. James Hamilton (see Calhoun's *Exposition*). Premised on the compact theory^m, it proposed, as solutions of the tariff and similar dilemmas, constitutional amendment, compromise, or abandonment by the Federal Government, and as a last resort, secession^m.

[D. F. Houston, *A Critical Study of Nullification in South Carolina.*]

WENDELL H. STEPHENSON

Fort Worth. The Federal Government sought to protect the border settlements of Texas^m after annexation in 1845 by erecting a chain of forts. Fort Worth, thirty-five miles west of the village of Dallas, was one of these. It was built by Company F, the Second Dragoons, under the command of Maj. Ripley A. Arnold. Settlements soon sprang up west of the post and it was abandoned on Sept. 17, 1853. The location became a thriving town, in large part supplying the needs of the border settlements. It also became an important cattle shipping point after it was reached by the Texas and Pacific Railroad^m in 1874.

[B. B. Paddock, *History of Western and Central Texas*; Lewis N. Newton and Herbert P. Gambrell, *A Social and Political History of Texas.*]

C. C. RISTER

Fort Worth Frontier Centennial Exposition, THE, was held at Fort Worth, Tex., from July 1 to Dec. 1, 1936, and was revived on a smaller scale the following year. It was one of the series of celebrations held throughout Texas to mark the centennial of Texan independence; in size and importance it was second only to that held in Dallas. The Fort Worth Exposition consisted primarily of amusement features, reproductions of the old frontier days and Billy Rose's "Casa Mañana," a modern New York Broadway entertainment transported to the plains of Texas.

FRANK MONAGHAN

"Forted" was a term used by the pioneers in time of an Indian alarm. On the news of danger the scattered frontiersmen took their families, horses and cattle to a stockaded enclosure, which they called a fort. The process of building the enclosure and taking refuge therein was called "forting." These forts were usually unassailable by Indians, who carried only small arms.

LOUISE PHELPS KELLOGG

Fortifications in America. The simple stockade and blockhouse to repel hostile Indians were the earliest forms of fortifications in the colonies. During the Revolution it was necessary to build harbor defenses, various substantial land works, and in one instance an intrenched camp (at West Point^m). Except for the solid masonry of Fort Putnam, such works usually consisted of earth, loose stone and timber.

Following the Definitive Treaty of Peace, 1783, a tentative coast-defense^m program for the vulnerable eastern seaboard was laid out. Actual construction lagged until the misfortunes suffered in the War of 1812, particularly the sack of Washington (see Washington Burned), moved Congress to action. Permanent forts of

two types predominated. One was a combination of a "low" or water-level battery, using red hot shot against enemy vessels, with a "high" fort designed for plunging fire. The second type was a combination of these two, in which a single masonry work with several tiers of guns in casemates was surmounted by a tier of guns in barbette on the roof. Castle William, on Governors Island, New York, is of the latter type.

The advent of the Civil War found many permanent forts in the hands of both the North and the South. The Confederacy greatly strengthened its harbor defenses, adding detached land works and trench systems to protect the coast-defense areas against attack by land. Mine fields denying certain water areas to the enemy were used increasingly with the progress of the war. The nature of the war revived the use of land forts, and ultimately the intrenched camp. Forts Donelson and Henry⁹⁰ were examples of the first; Vicksburg⁹¹, the Washington-Alexandria, and the Richmond-Petersburg areas with their systems of detached forts, were typical intrenched camps. The increased fire-power of small arms compelled a resort to the general use of intrenchments in the fields.

Acquisitions of overseas territory as a result of the Spanish-American War have called for a more elaborate defense system than previously required. The fortifications of Hawaii and the Panama Canal⁹² are the most noteworthy. High-caliber, long-range guns and mortars to keep enemy vessels out of striking range, mine fields to deny their access to vital water areas, mobile troops to repel landing parties and Air Corps and anti-aircraft artillery units combine to make up the essential features of the defense. Along similar lines, but to a lesser degree, the fortifications of our mainland harbors have been developed, supplemented by the introduction of heavy-caliber, long-range railroad artillery. Significant of the course of our history is the fact that our fortifications are to be found only on the seacoast and in our insular possessions. Our land borders remain unguarded by anything which could be called a fort.

[W. A. Mitchell, *Fortifications*; C. J. Fiebeger, *Permanent Fortification*; W. M. Black, *Evolution of the Art of Fortification*.]

HERMAN BEUKEMA

Fortunes. Great. Although some of the leading merchants bankers and foreign traders in Eastern cities began to acquire considerable means before 1800, there were no millionaires in America until well into the 19th century. By that time the coming of railroads and steam navigation, the development of the country's natural re-

sources and several epochal inventions were playing their parts in building enormous estates. The first great fortune achieved was that of John Jacob Astor (1763-1848), who came to New York, a penniless German immigrant boy, in 1784, and at first peddled pastry on the streets. He next found employment with a furrier, presently went into the fur business for himself (*see American Fur Company*), and at his death left a \$30,000,000 estate, being the largest property owner in New York. The family still hold great quantities of New York realty.

Cornelius Vanderbilt (1794-1877) began life as a rough, unschooled boy of sixteen, operating his own little ferry boat in New York harbor. He later became a steamboat captain, then went into steamboating on his own and finally railroads. He was the founder of the New York Central system⁹³, and died at eighty-three, leaving \$100,000,000. His descendants, together with the Whitneys and Webbs, families allied with them by marriage, continued to dominate and aid in the operation of the New York Central and its acquired lines.

Junius S. Morgan (1813-90), born in Massachusetts and a dry-goods merchant for several years, went to London in 1854 as partner in a banking house. His son, John Pierpont Morgan (1837-1913), became American agent for that house, then a partner in Drexel, Morgan & Company, which he reorganized in 1880 as J. P. Morgan & Company, and which became America's greatest financing agency. His son and grandson skilfully maintained its efficiency and power. His Philadelphia partner, Anthony J. Drexel (1826-93), also became very wealthy and a public benefactor. Russell Sage (1816-1906), a small merchant at Troy, N. Y., went to New York City in his sixties and largely by money-lending accumulated a fortune of probably \$70,000,000. Through the philanthropy of his widow, most of it was given for the good of mankind. Jay Gould (1836-92), after an amazing career of manipulation in railroads and telegraphs, left his heirs some \$50,000,000. August Belmont (1816-90), born in Germany, came to New York in 1837 as agent for the Rothschilds and laid the foundation for a large family fortune in banking and railroads. A remarkable number of young financiers came from Germany to find wealth in America, these including Jacob H. Schiff, James Speyer, Otto H. Kahn, Paul M. and Felix Warburg. Sons of old Atlantic seaboard families, descendants of 18th-century merchants and traders, such as the Biddles of Philadelphia and the Goelets, Rhinelanders, and Lorillards of New

York, built notable estates. So did the progeny of Isaac Iselin, merchant, who came from Switzerland to New York in 1801, and whose son, Adrian (1818-1905), reared a great banking house.

In the Middle West, Philip D. Armour (1832-1901), who had tried mining in California with the Forty-Niners[™], came back to Milwaukee to become a partner in a pork-packing business, which he moved to Chicago in 1870, under the name of Armour & Company[™], deriving therefrom a fortune noted for its aid to education and welfare. The Swift brothers, Gustavus F. (1839-1903) and Edwin C., born on Cape Cod, followed Armour to Chicago in 1875 to engage in the meat packing[™] business and accumulate great wealth. Marshall Field (1834-1906), another Massachusetts man, who was a clerk in a wholesale dry-goods house in his youth, became a partner—with Potter Palmer and Levi Z. Leiter, both later multimillionaires—in another Chicago concern which, under the name of Marshall Field & Company, became a great wholesale and retail dry-goods business. Field's benefactions were large and numerous. Cyrus H. McCormick (1809-84), inventor of the reaper[™], founded a Chicago dynasty of great wealth on harvesting machines, while George M. Pullman (1831-97) reared his upon sleeping and dining cars.

California's gold mines, oddly enough, built no great fortunes directly, though they gave a start to some. Nevada silver, however, produced several—that of John W. Mackay (1831-1902), later more famous as promoter of the Postal Telegraph Company[™] and of cables across the Atlantic and Pacific Oceans; James G. Fair; William Sharon; and others. George Hearst (1820-91), on Utah silver and Montana copper, but chiefly as principal owner of the great Homestake gold mine[™] in South Dakota, founded a fortune which was greatly augmented by his widow and his son, William Randolph Hearst, in newspapers, South American copper and other investments. Montana copper's greatest millionaire was William A. Clark (1839-1925). Copper on both the American continents also created the fortunes of Meyer Guggenheim (1828-1905) and his four sons. In California arose a group of Pacific Railroad millionaires—Leland Stanford (1824-93), who left a great university as his memorial, Collis P. Huntington (1821-1900) and two others, Crocker and Hopkins, all of whom erected ornate mansions on Nob Hill in San Francisco as evidences of their success. Other Western newly rich men craved mansions on Fifth Avenue in New York, and many wished to be United States senators. Stanford, Hearst,

Sharon, Clark, Simon Guggenheim, as well as William M. Stewart and John P. Jones, two more Nevada silver millionaires, served terms in the Senate.

The rapid rise of Bessemer steel as a construction material in the latter 19th century produced a group of huge fortunes, mostly centering around Pittsburgh. Most notable are those of Andrew Carnegie (1835-1919), native of Scotland, who began life as a telegraph messenger boy, and whose gifts to education and to libraries have perpetuated his name; John W. Gates (who later went into oil); Charles M. Schwab, Henry C. Frick; and others. This centering of great industrial forces in Pittsburgh enabled Thomas Mellon (1813-1908), an Irish immigrant, and his sons, Andrew W., Richard B. and James R. Mellon, to become one of America's richest banking families.

Pennsylvania oil laid the foundation for the mightiest of American fortunes, that of John Davison Rockefeller (1839-1937), who became a clerk in a commission house in Cleveland at the age of sixteen, and entered the oil business in a small way at twenty-three. He acquired great power, not only in oil but in railroads and other fields, and became the first American "billionaire." His donations to religious, philanthropic and charitable purposes exceeded \$500,000,000. His brother William, who was associated with him, also became enormously wealthy, and his son, John D. Rockefeller, Jr., skilfully maintained the vast industrial and financial structure. Another colossally wealthy family is that of the descendants of Eleuthère Irénée DuPont de Nemours (1771-1834), a French *émigré* who began manufacturing gunpowder at Wilmington, Del., in 1802. In addition to explosives, the DuPonts branched into the making of a number of other products after 1900. Their business is as closely held in the family as is that of the Rothschilds; but individually, their activities extend into many other fields.

Edward H. Harriman (1848-1909), a poor clergyman's son, rose with amazing speed to wealth and power in the railroad world. The great fortunes of Claus Spreckels (1828-1908), a German immigrant who settled in San Francisco, and Henry O. Havemeyer (1847-1907) of New York were based on sugar; that of Frederick Weyerhaeuser (1834-1914) of St. Paul, another man of German birth, on lumber; that of Peter A. B. Widener (1834-1915) of Philadelphia, on electric railways; that of Washington Duke (1820-1905) and his sons, James B. and Benjamin N. Duke, on tobacco. The development of the automobile after 1900 gave birth to several

fortunes, the most notable being that of Henry Ford. Other inventions, such as motion pictures and radio, created wealth for certain groups.

[Gustavus Myers, *History of the Great American Fortunes.*]

ALVIN F. HARLOW

"Forty Acres and a Mule" was an expression common among the Negroes in the South after the Civil War. It described the homestead for each Negro family which they expected from the confiscation of plantations. This expectation, especially prevalent before Christmas, 1865, probably arose from the division among freedmen^{es} of lands on the Southeast coast by Gen. Sherman's order, January, 1865.

[W. L. Fleming, *Documentary History of Reconstruction*, Vol. I.]

C. MILDRED THOMPSON

Forty-Eighters. The Revolution of 1848 in Germany led to the migration of many of the choicer spirits to the United States. German influence increased greatly in Cincinnati, Milwaukee, St. Louis, Chicago and elsewhere. It became of decisive aid to the Federal Union in the congressional election of 1862 and the national election of 1864^{es}. To Francis Lieber, political scientist and most eminent German of the earlier migration, were now added such leaders in war and politics as Franz Sigel and Carl Schurz; in medicine, as Dr. Abraham Jacobi; and in business, as Henry Engelhard Steinway and Henry Villard. Not brilliant as a general, Sigel's greatest service lay in marshalling pro-Union sentiment among the German-Americans of Missouri. Similarly, Carl Schurz, whose military accomplishments at Chancellorsville^{es} were overshadowed by his record as a "mugwump"^{es} politician and reformer, remained until his death, in 1906, the most eminent of all German-Americans.

[S. P. Orth, *Our Foreigners*; C. M. Fuess, *Carl Schurz, Reformer*; William E. Dodd, *Expansion and Conflict.*]

LOUIS MARTIN SEARS

Forty Fort, Wyoming Valley, Pa. A frontier fort, erected 1772 in the original "Forty Township," now Forty Fort Borough, named for the "First Forty" settlers sent in 1769 by the Susquehanna Company^{es} of Connecticut to take up the Wyoming lands. Enlarged in 1777, it was the militia's mustering place before the battle (massacre) of Wyoming^{es}.

[*Frontier Forts of Pennsylvania*, Vol. I; O. J. Harvey, *History of Wilkes-Barre and Wyoming Valley*, Vol. II.]

FRANCES DORRANCE

Forty-Mile Desert, THE, between the Sink of Humboldt River and the Carson or Truckee River routes, was the worst stretch of the entire

journey for the gold seekers or Forty-Niners^{es} who traveled through Nevada to California (see Death Valley; Donner Party). Neither water nor grass was to be found in the entire distance and the loss of life, both human and livestock, was excessively high.

[E. M. Mack, *Nevada.*]

CARL L. CANNON

"Forty-Niners." On Jan. 24, 1848, James Wilson Marshall discovered gold in the tailrace of a sawmill which he and John A. Sutter were erecting on the South Fork of the American River, about fifty miles northeast of the present city of Sacramento, Calif. The news, first published in the San Francisco *Californian*, March 15, eventually spread throughout the world. The earliest account reached "the States" about Aug. 1, when a courier brought it to St. Joseph, Mo.; but the first printed news in the East did not appear until Aug. 19 (*New York Herald*). A nationwide trek to California soon began (see California Gold Rush).

Some argonauts traveled by sea but most proceeded overland. Leaving eastern and southern ports, thousands boarded sailing vessels or clipper ships; their routes, which were wholly or partly by water, were via Cape Horn, Panama, Nicaragua or Mexico; and their sufferings included seasickness, scurvy, yellow fever, poor food and short rations. Most emigrants went by land, traveling either northern or southern trails. Those who took the former started from Missouri or Iowa early in 1849 and journeyed west via the Platte River, South Pass^{es} and Humboldt River. Those who chose the latter started from Texas, Arkansas or Missouri, crossed the Great Plains to the eastern slope of the Rocky Mountains, and proceeded thence via northern Mexico, Cooke's wagon road, the Old Spanish Trail or Salt Lake City. The overlanders organized themselves into companies before venturing upon the plains, using prairie schooners^{es} or pack animals for transportation. Of the hardships endured, cholera, scurvy and dysentery were the most fatal. Other sufferings were heat, dust, mud, deep sand and a scarcity of water and provisions; some of the late-comers encountered snow, ice and severe cold in the mountains. One company suffered heavy losses crossing a desert in southern California, which was thereafter named Death Valley^{es}. (See also Donner Party; Forty Mile Desert.)

[O. C. Coy, *The Great Trek*; R. P. Bieber, *Southern Trails to California in 1849.*]

RALPH P. BIEBER

Foundations, Endowed. Tentatively, an en-

dowed foundation may be defined as a trust organization created by one or more donors and administered, usually under a charter of Federal or state origin, by an independent governing board, for philanthropic, charitable, scientific, educational or similar purposes. The term implies the donation of a capital sum of which either income alone or both principal and income are to be expended for purposes of the trust.

The history of foundations in the United States falls into three periods: 1790-1900, 1900-1920, 1920 to the present day.

The first opens with the philanthropies of Benjamin Franklin, who dying in 1790 bequeathed to the town of Boston, Mass., and the city of Philadelphia £1000 each to be used in part as loan funds for young men. The White-Williams Foundation was organized in 1800 as the Magdalen Society of Philadelphia and incorporated in 1802. After more than a century of activity against delinquency it was renamed in 1918. George Peabody in 1851 created the Baltimore Institute with library, art museum and conservatory of music, in 1886 gave a museum of archæology and ethnology to Harvard and set up an academy of science at Salem, Mass. In 1867 he endowed the Peabody Education Fund with \$3,000,000 for "intellectual, moral, or industrial education" in the Southern and Southwestern states. The year 1845 saw the founding of Smith Charities, Northampton, Mass. In 1882 John F. Slater created a fund bearing his name with a gift of \$1,000,000. The Detroit Community Trust came into being in 1891. Thus, between 1790 and 1900, with the inauguration of six foundations in the United States, this pattern of philanthropic giving had been outlined.

In the second period, 1900-1920, as many as fifty foundations were inaugurated. It was a day of larger endowments associated with the names of individual donors or donor families and devoted to broadening purposes. For example, the General Education Board, endowed in 1902 by John D. Rockefeller with \$129,209,167, has the object of "promoting education within the United States of America, without distinction of race, sex, or creed." Carnegie Corporation of New York[™] was established by Andrew Carnegie in 1911 with endowment of \$135,000,000 for the advancement and diffusion of knowledge and understanding among the people of the United States and the British dominions and colonies. Two years later John D. Rockefeller set up the Rockefeller Foundation[™] with \$182,814,480 "to promote the well-being of mankind throughout the world." Other endowments of the period in-

clude the Carnegie Institution of Washington[™], 1902, originally endowed by Andrew Carnegie with \$10,000,000 (latest resources \$34,000,000); the Milbank Memorial Fund, established with an initial gift of \$5000 by Mrs. Elizabeth Milbank Anderson (latest resources \$10,450,000); the Carnegie Foundation for the Advancement of Teaching[™], inaugurated in 1905 by Andrew Carnegie with \$10,000,000 of endowment later increased to \$16,250,000; the Russell Sage Foundation, 1907, endowed by Mrs. Russell Sage with \$15,000,000; the Carnegie Endowment for International Peace, 1910, to which Andrew Carnegie gave \$10,000,000; the Cleveland Foundation, Cleveland, Ohio, inaugurated in 1914 with \$260,933 (latest resources \$6,027,500); the Julius Rosenwald Fund to which, in 1917, Julius Rosenwald gave \$3,000,000 (latest resources \$6,534,000). Of the fifty foundations established between 1900 and 1920, at least a quarter had initial endowments of \$10,000,000 or more.

The third period, which began in 1920, has brought forth at least 200 foundations. These display two tendencies: a broadening of charter purposes, exemplified by the Horace H. Rackham and Mary A. Rackham Foundation, 1933, with \$12,500,000 original endowment, "for such benevolent, charitable, educational, scientific, religious, and public purposes as will promote the health, welfare, happiness, education, training, and development of men, women, and children, particularly the sick, aged, young, erring, poor, crippled, helpless, handicapped, unfortunate, and underprivileged, regardless of race, color, religion, or station, primarily in the state of Michigan and elsewhere in the world"; and, on the other hand, a simplification of activities, typified by the John Simon Guggenheim Memorial Foundation, 1925, with \$3,000,000 original endowment, which has for its purpose "the advancement and diffusion of knowledge and understanding, and the appreciation of beauty by aiding, without distinction on account of race, color, or creed, scholars, scientists, and artists of either sex in the prosecution of their labors," which is carried out through award of fellowships. Among the larger original endowments of the period may be mentioned the Duke Endowment of \$40,000,000 in 1924 by James Buchanan Duke; the Buhl Foundation, 1928, with \$12,483,000; the Children's Fund of Michigan, 1929, with \$12,100,000, founded by the late Sen. James Couzens; the Maurice and Laura Falk Foundation, 1929, with \$8,000,000; the John and Mary R. Markle Foundation, 1927, with \$3,000,000 (latest resources \$12,400,000); the Daniel and Florence Guggenheim Foundation, 1924,

with \$1,185,000 (latest resources \$4,690,000); Curtis Institute of Music, 1924, with \$500,000 from Cyrus H. K. Curtis, later increased by a gift of \$12,500,000 from Mrs Louise Curtis Bok; Kresge Foundation, 1924, with \$1,557,000 (latest resources \$38,120,000) from S. S. Kresge.

Recent foundations include the A. W. Mellon Educational and Charitable Trust, 1930, which received the estate of Andrew W. Mellon, estimated unofficially at \$200,000,000 or more; the Surdna Foundation, 1935, by bequest of John E. Andrus, with capital of \$35,000,000, the Charles Hayden Foundation, 1937, bequeathed \$50,000,000 by Charles Hayden; the Southern Education Fund, 1938, approximating \$3,000,000 by consolidation of the Slater, Peabody and Jeanes funds for Negro education.

Endowed foundations including community trusts in the United States number (1939) more than 250.

Motives that lead men and women to endow foundations include Franklin's "wish to be useful even after my Death, if possible"; perhaps the desire to perpetuate a name; often genuine and intelligent interest in the objects of the foundation. "The dominating reason, I am sure," says Keppel, "is the recognition of 'the stewardship of surplus wealth' . . . The greatest of these gifts . . . represent a faith in man and in his possibilities for progress, which lies deeper than the sense of stewardship."

Resources of American foundations probably exceed \$1,000,000,000. The Rockefeller Foundation up to 1937 has disbursed more than \$263,500,000; the General Education Board, \$225,000,000; Carnegie Corporation of New York, \$171,000,000; Carnegie Institution of Washington, \$40,000,000; the Carnegie Foundation for the Advancement of Teaching, \$39,000,000; the Russell Sage Foundation, \$17,500,000; the Carnegie Endowment for International Peace, \$16,000,000; the Rosenwald Fund, \$14,000,000. Thus, American foundations have probably disbursed more than \$750,000,000. Lindeman estimated that foundations and community trusts contribute 5% to 10% of our philanthropic budget.

Clark distinguished (1934) twenty-six fields served by 123 foundations: education, medicine and public health, social welfare, social sciences, physical and biological sciences, economics, international relations, government and public administration, æsthetics, the humanities, child welfare including individual assistance, agriculture and forestry, city and regional planning and housing, heroism, race relations, publications, religion, engineering, public service, labor, birth control, civil liberties, aviation, animals, ceme-

tery maintenance and monuments, commemorative celebrations. Some of the largest foundations, notably the Rockefeller Foundation (except within certain limits for public health) and Carnegie Corporation of New York, are not operating agencies, they work and grant through other organizations or bodies operating within the fields served.

Management of a foundation usually implies a board of trustees numbering from, say, five to twenty-five, with executive and other standing committees including one supervising investments; executive officers such as a president or director—officers of the board are sometimes different from executive officers—and a staff, large or small, of assistants. Permanent staffs appear to be decreasing in size and the practice of temporarily associating qualified persons with foundations for specific tasks, to be growing in favor. Charter purposes of foundations are served by administrative policies conditioned partly by charter, including use to be made of the principal fund (e.g. the General Education Board is empowered to spend both principal and interest; the Children's Fund of Michigan is to be spent by 1954; the Julius Rosenwald Fund must be expended within twenty-five years of the death of the donor, Jan. 6, 1932); partly by recognition of human needs; partly by the test of practicability. The forebodings of Turgot and Adam Smith, the apprehensions of the congressional committee of 1916, and forecasts of certain more recent critics respecting possible abuse of these public trusts have not yet been realized in American foundations. Flexibility in charter purposes, and legislative provisions that acts of incorporation or charters may be altered or repealed at any time, have operated, with the wisdom of boards of trustees, to prevent imposition of the "dead hand" and assured desirable freedom with wide benefit to humanity.

Results of foundation benefactions include the initial advancement of fact-finding surveys in numerous fields, educational, governmental and scientific; gifts for the development of modern medical and dental education and research; studies relating to public health, the fine arts, medical care, the causes and prevention of war, pensions and retirement; assistance to education at all levels from preschool to adult and in every field; a restatement of our law. There is scarcely a phase of American life that has not been advanced by beneficent activities and grants of endowed foundations.

[Frederick P. Keppel, *The Foundation, Its Place in American Life*; Edward C. Lindeman, *Wealth and Culture*; Ernest Victor Hollis, *Philanthropic Foundations and Higher*

Education; Evans Clark, *American Foundations and Their Fields*, 4th edition.]

HOWARD J. SAVAGE

Four-H (4-H) Clubs. A rural youth movement which had its beginning in Macoupin County, Ill., in 1900, when selected seed corn was distributed to 500 boys with instructions to plant it and to exhibit at the next farmers' county institute. Similar clubs were organized in 1902 in Clark County, Ohio. Soon the scope of the work was broadened to include the growth of other products, soil conservation and the discussion of farm problems. The movement spread rapidly and in 1904 the Ohio organizations were united into a state federation. Meanwhile boys' and girls' clubs were being organized elsewhere; by 1909 they had extended to twenty states, and within recent years have become nationwide. With the passage of the Smith-Lever Act⁹⁹ in 1914, the Federal Department of Agriculture⁹⁹ took over the supervision of this work for the entire country. In 1938 the membership was about 920,000. The symbol, derived from the 4- \bar{H} chart, which consists of a number of tests for the head, hand, heart and health, is a four-leaf clover with an "H" on each leaf.

[Alfred C. True, *History of Agricultural Extension Work in the United States, 1885-1923*, United States Department of Agriculture, *Miscellaneous Publication No. 15*; C. B. Smith, *Boys and Girls 4-H Club Work*, United States Department of Agriculture, *Miscellaneous Circular No. 77*.]

CHARLES H. AMBLER

"Four Hundred, The." In 1892 Mrs. William Astor, finding that her list of guests exceeded her ballroom's capacity, asked Ward McAllister, social arbiter in the gilded age, to reduce it to 400. McAllister afterward boasted that "there were only about four hundred people in New York society." The number had no significance, for incoming millionaires soon received the social recognition to which, by American standards of conspicuous spending, they were entitled. "The four hundred" became a cliché denoting social exclusiveness whether in New York or Podunk.

[Frederick L. Allen, *The Lords of Creation*.]

HARVEY L. CARTER

Four Mile Strip. According to a treaty of peace signed Aug. 6, 1764, at Fort Niagara⁹⁹, by Sir William Johnson and the Seneca Indians⁹⁹, the latter ceded to the crown, reserving the hunting right, a strip of land four miles wide on each side of the Niagara River from Lake Ontario to Lake Erie.

[E. B. O'Callaghan, *Documents Relative to the Colonial History of the State of New York*, Vol. VII.]

ROBERT W. BINGHAM

Four-Minute Men were members of a volunteer national organization who spoke before motion-picture and other audiences (1917-18) to promote the sale of Liberty Loan⁹⁹ bonds during the World War. The speakers, who numbered some 75,000, limited their addresses to four minutes.

WHEELER PRESTON

Four-Power Treaty, THE, was signed on Dec. 13, 1921, by the United States, the British Empire, France, and Japan, being one of seven treaties which emerged from the Conference on Limitation of Armament⁹⁹ held in Washington from Nov. 12, 1921, to Feb. 6, 1922. It was a substitute for the Anglo-Japanese alliance which, under pressure from the Dominions and the United States, Great Britain had allowed to expire in 1921, and the necessary preliminary to the other treaties and resolutions of the conference. The signatories bound themselves to respect each other's "rights in relation to their insular possessions and insular dominions in the region of the Pacific Ocean"; to go into conference for the consideration and adjustment of any controversy "arising out of any Pacific question and involving their said rights which is not satisfactorily settled by diplomacy"; and to "communicate with one another fully and frankly in order to arrive at an understanding as to the most efficient measures to be taken, jointly or separately" in the event of "the aggressive action of any other Power." The treaty was to run for ten years, and thereafter until denounced by one of the signatories. A declaration of even date applied the treaty to the mandated islands⁹⁹ of the Pacific, without, however, signifying the assent of the United States to the mandates or preventing it from negotiating about the mandates. By a supplementary treaty of Feb. 6, 1922, the signatories declared that "insular possessions and insular dominions," when applied to Japan, included only Korafuto (southern portion of Sakhalin), Formosa, and the Pescadores, and the islands under the mandate of Japan.

BERNADOTTE E. SCHMITT

Fourierism takes its name from Charles Fourier (1772-1837), a pioneer French Socialist. His harmonious society was based upon the assumption that human nature is unchangeable, and that therefore society must be adapted to the individual. His ideal community consisted of 1600 persons living on a self-supporting estate of several thousand acres. Out of the common gain subsistence would be provided and surpluses would be equitably distributed among the three groups: labor, capital and talent.

In 1834 Albert Brisbane (1809–90), a young humanitarian, returned to the United States from France, where he had studied under Fourier. He proceeded to introduce Fourierism to this country, by lecturing, writing books and contributing to newspapers. Some forty small and poorly financed experiments sprang up as a result of the excitement, although Brisbane had nothing directly to do with organizing them. Brook Farm⁷ was one of the more impressive experiments; its failure in 1846 marked the end of the "Association" movement in the United States.

[Donald O. Wagner, *Social Reformers*.]

JOHN COLBERT COCHRANE

Fourteen Points, President Wilson's. In order to counteract the evil effects of the "secret treaties," published late in 1917 by the Soviet government, President Wilson addressed Congress on Jan. 8, 1918, and stated in Fourteen Points America's terms of peace. Briefly, they were: (1) "open covenants" of peace openly arrived at; (2) freedom of the seas⁸; (3) removal of economic barriers and equality of trade conditions; (4) reduction of armaments to lowest point consistent with domestic safety; (5) impartial adjustment of colonial claims; (6) evacuation of Russian territory and unselfish treatment of Russian problems; (7) evacuation and restoration of Belgium; (8) evacuation of France and restoration of Alsace-Lorraine to France; (9) readjustment of Italian frontiers; (10) autonomous development for the peoples of Austria-Hungary; (11) readjustments in the Balkans; (12) autonomous development for the non-Turkish nationalities of the Ottoman Empire and opening of the Dardanelles; (13) restoration of Poland with access to the sea; (14) establishment of a general association of nations. No attempt was made to secure Allied acceptance of the Points until the German government in October, 1918, applied for an armistice and peace on the basis of the Fourteen Points. After an official interpretation had been communicated to the Supreme War Council, and Col. Edward M. House, the American representative, had threatened that the United States might make a separate peace with Germany, the Fourteen Points were accepted by the Allies on Nov. 4, 1918—with the reservation that they reserved to themselves "complete freedom" on the subject of freedom of the seas and with the further understanding that "compensation will be made by Germany for all damage done to the civilian population of the Allies and their property by the aggression of Germany by land, by sea and from

the air." With these limitations, the Fourteen Points thus became the legal basis for the ensuing treaty of peace.

[C. Seymour, *The Intimate Papers of Colonel House*.]

BERNADOTTE E. SCHMITT

Fourteenth Amendment, THE, to the Constitution was formulated by the Joint Committee on Reconstruction of Congress as a program of reconstruction⁹. It was reported to both Houses on April 30, 1866; passed the House of Representatives, May 10, 1866; the Senate, June 13, 1866; was ratified, July 28, 1868. By act of March 2, 1867, ratification by the ten states still out of the Union was required as condition upon their readmission. Section 1, which defined "citizens," gave sanction to the Civil Rights Bill of April 9, 1866¹⁰, thus overruling the Dred Scott decision¹¹, and guaranteed civil rights and equal protection of the laws against state enactment. Section 2 combined suffrage and representation in providing for reduction in representation according as adult male citizens were denied suffrage. Section 3 disqualified from office, both Federal and state, former officeholders who had aided the Confederacy (*see* Amnesty, 1862–98). Section 4 secured the validity of the Union war debt and the repudiation of the war debts of the late insurrectionary states. Section 5 empowered Congress to enforce the article by appropriate legislation.

The chief importance of this amendment in later times rests in the second sentence of Section 1, which stated, in part, "nor shall any State deprive any person of life, liberty, or property, without due process of law." In the first important test of this sentence before the Supreme Court (Slaughter-House Cases¹², 1873) the Court declared the protection of rights of the Negro race to be "the one pervading purpose" of the first section. But in 1886 (*Santa Clara County v. So. Pacific R. R.*) the scope of the amendment was widened by interpreting the term "person" as applicable to corporate as well as natural person. This interpretation, with extension of the "due process of law" phrase, has limited state legislation aimed at control of corporations and other social and economic regulation. That the authors of the amendment intended "person" to include corporation, as Roscoe Conkling argued, is not established by evidence. (*See also* Due Process Clauses; Equal Protection of the Law.)

[H. E. Flack, *The Adoption of the Fourteenth Amendment*; Benj. B. Kendrick, *Journal of the Joint Committee of Fifteen on Reconstruction*.]

C. MILDRED THOMPSON

Fourteenth Colony, THE, was either Transylvania or Franklin or Vermont⁹⁹. It may be stated at the outset, however, that the word colony in American history implies a recognized, political dependency of Great Britain. Transylvania was intended to be such by its founders in April and May, 1775, but it received no recognition whatever, and Virginia made the region a county late in 1776. The "colony" did have a brief autonomous existence, but no superior authority ever recognized it. Franklin has no better claim. The first step in its existence was the organization of the Watauga Association⁹⁹ in 1772. This community apparently never desired to be a colony, and after three years of autonomy became Washington County, North Carolina. Still later (1784-85), after being cast off by the parent state, the inhabitants created the State of Franklin, which existed without recognition until North Carolina re-established her authority in 1787. The "state's" political experience, therefore, hardly gives it colonial classification. Perhaps Vermont has a better claim than either of the other two. The inhabitants of the New Hampshire Grants⁹⁹ appear never to have clearly recognized any superior authority. Becoming dissatisfied with this condition they called a convention on April 11, 1775, to consider organizing a royal colony. Subsequent meetings, however, resulted in a state organization that failed to be recognized until 1790-91. Nevertheless, Vermont can hardly be called a colony, unless a *de facto* government having an early, autonomous antecedent and existing until admitted to statehood may be considered one.

[R. S. Cottenill, *History of Pioneer Kentucky*; W. S. Lester, *Transylvania Colony*; R. G. Thwaites, *Daniel Boone*; T. P. Abernethy, *From Frontier to Plantation in Tennessee*; Constance Lindsay Skinner, *Pioneers of the Old Southwest*.]

JONATHAN T. DORRIS

Fourth of July, THE. The adoption of the Declaration of Independence⁹⁹ on July 4, 1776, is taken as the birth-date of the United States of America, and therefore the Fourth of July has become the greatest of our national anniversaries. Strangely enough, the commemoration of the Fourth of July received its first great impetus and had the pattern set for its celebration before the event that we celebrate had yet come to pass. For on July 3 John Adams wrote to his wife: "The second day of July, 1776, . . . I am apt to believe . . . will be celebrated by succeeding generations as the great anniversary Festival. It ought to be commemorated, as the day of deliverance, by solemn acts of devotion to God Almighty. It ought to be solemnized with pomp and parade, with shows, games, sports, guns,

bells, bonfires, and illuminations, from one end of this continent to the other, from this time forward forevermore." Adams was of course thinking of the resolution of independence adopted July 2 as the pivotal event, but the great Declaration soon completely obscured the resolution.

The first anniversary does not appear to have been commemorated throughout the thirteen states, but there were elaborate celebrations in the principal cities; and parades, the firing of guns, the ringing of bells, decorations, illuminations and of course fireworks and the inevitable drinking of toasts, constituted the chief features in every instance. In John Adams' own town of Boston they did not fail to begin with a sermon (by the Rev. Dr. Gordon from I Kings, 12:15), nor did the General Court neglect to give orders "for making every Preparation for drinking Success to the *Thirteen United States*." In far-off Charleston, S. C., it was similar, only more so: more toasts and more guns. Philadelphia, more fortunate than the others, was enabled to add a most piquant sauce to its exercises: a captured Hessian band to make their music. In another particular Philadelphia forged ahead of the others in having an editor who could make John Adams himself look to his rhetorical laurels. Proclaimed that editor in his fervor: "Thus may the fourth of July, that glorious and ever memorable day, be celebrated through America by the sons of freedom from age to age, till time shall be no more. Amen, and Amen." The adjective "Glorious," be it known, took its place beside the "Fourth" at this first anniversary and has remained immovable ever since.

The practice of commemorating the "Glorious Fourth" soon spread widely, particularly after the adoption of the Constitution⁹⁹. For instance, while Philadelphia was preening itself with the great "Federal Procession," July 4, 1788, Marietta⁹⁹, Ohio, was introducing the custom in the Northwest Territory. As the years went by, however, some of the early features of the celebration declined in importance or disappeared entirely, such, for instance, as the thirteen guns and thirteen (or thirteen times thirteen) toasts. The preacher likewise retreated into the background, and the Fourth-of-July orator stalked to the front, with his characteristic "spread-eagleism" and his fondness for twisting the British lion's tail until that once proud caudal appendage "looked like a corkscrew." Another stretch of years, and the Fourth-of-July orator, in his turn, lost his audience, if not also his voice.

Meanwhile sports and games, which at first

had played but a minor part, began to assume stellar places in the performance. In country regions particularly, the Fourth of July became a day for picnics, with exhibitions of skill in such contests as potato races, watermelon-eating contests, catching the greased pig and the like, with perhaps never a thought of the Declaration of Independence. Throughout this more than a century and a half, however, fireworks, great and small, have held a foremost place. The frequent casualties gave rise as early as 1865 to protests, and ten years later (the year prior to the centennial celebrations) the method of exhibiting our patriotism was pronounced "an unmitigated and outrageous humbug." Only within the last quarter of a century, however, have serious efforts been made to promote a "safe and sane" Fourth of July.

EDMUND C. BURNETT

Fowler Expedition, THE, also known as the Glenn-Fowler expedition, was headed by Jacob Fowler, a New Yorker, and Hugh Glenn, a Cincinnati merchant, who desired to open a road and trade with Santa Fé^o. They departed from Covington, Ky., on June 14, 1821, by way of Missouri and Kansas, to the Arkansas River, and on into Colorado, where they met a number of Indian tribes with whom they parleyed, and were permitted to proceed to the vicinity of Pueblo. Here they were met by a Mexican party who conducted Glenn and four companions to Santa Fé, while Fowler and his companions built a house on the same site used by Pike^o fifteen years before. They were robbed by Indians but learned of Mexican independence in early winter and went over the Sangre de Cristo pass to Taos^o. Trapping along the Rio Grande they again found the place Pike had built a stockade in 1806-7. They were probably the first Americans to follow Pike into that region. The return trip was made in May, 1822.

[W. J. Ghent, *Early Far West*.]

CARL L. CANNON

Fowltown, The Battle of (Nov. 21, 1817). The attack on this Indian village, fourteen miles east of Fort Scott, Ga., started the First Seminole War^o. The Indians, having refused to give up lands ceded by the Treaty of Fort Jackson, 1814^o, were ordered removed by Gen. Gaines. Maj. Twiggs and 250 men attempted to surround the town but were fired upon by the fleeing Indians, who left five dead. The village was later destroyed.

[J. S. Bassett, *Life of Andrew Jackson*.]

JAMES W. SILVER

Fox, THE, were an Algonquian^o tribe, called "Reynards" by the French. Their native name was Outagami or Red Earth people. Their earliest habitat was near the western end of Lake Erie whence with other Algonquian kindred they fled westward in the middle of the 17th century, driven by the Huron-Iroquois wars. After wandering for some years in the forests of Wisconsin, they built, about 1665, a village called by the missionaries Ouestatinong on the Wolf River. There they were visited by Nicolas Perrot, who found them "destitute of everything." Want rendered them brutish and they were inimical to white culture. There Father Alouez established the mission of St. Marc.

By 1680 the Foxes were living on Fox River; there their enmity to the French led to the Fox-French wars^o. After their submission to the French officers (about 1740) they removed to the lower Wisconsin and to Prairie du Chien^o, where their chief, *le Chien*, gave name to the place.

After their union with the Sauk^o, which occurred during the French wars, the Foxes built villages on the Iowa side of the Mississippi River. During the American Revolution they sided with the Spanish and Americans; but in the War of 1812 their alliance was with the British. After the Peace of Ghent they made a treaty with the Americans in September, 1815. Thereafter the Foxes kept peace with the whites, until the Black Hawk War^o, in which many Foxes joined the Sauk. By the treaty of 1842 they agreed to remove from Iowa, but ten years later returned in such numbers that they were allowed a reservation in Tama County, where under the native name of Musquakie a remnant of the tribe still live.

[L. P. Kellogg, ed., *Early Narratives of the Northwest*; E. H. Blair, ed., *Indian Tribes on the Upper Mississippi and the Region of the Great Lakes*.]

LOUISE PHELPS KELLOGG

Fox-French Wars, THE (1712-18, 1727-38). In 1710 Cadillac, the French governor of Detroit, persuaded a part of the Fox Indians^o to leave their home in Wisconsin and live near Detroit. They had always been restive under French dictation, and in their new habitat became so insolent that, in 1712, the other tribesmen fell upon and defeated them during a native quarrel. The remnant of the tribe fled to Wisconsin, and joining those that had remained there spread war against the French and their allied Indians throughout the West. The Fox-Wisconsin waterway^o was closed to traders, and in 1716 a punitive expedition was undertaken by Sieur de Louvigny. He led an army of 800 whites and

savages up Fox River to the Fox village on Little Lake Butte des Morts. The hostiles had there a palisaded town where they stood siege. Finally Louvigny obtained a truce from the Foxes sealed by hostages, and a promise to end the war. This expedition was really a huge trading enterprise and the indemnity paid by the Foxes was in the form of furs.

The Foxes kept the peace for about ten years, when continued attacks on the Illinois^{es} allies of the French led to retaliation, whereupon Kiala, a Fox chief, formed a vast confederacy embracing the Abenaki of New England, the Iroquois of New York, the Sioux^{es} of the upper Mississippi, and the tribes of Missouri. A second expedition in 1728 under Marchand de Lignery invaded Wisconsin, but the Foxes had fled. In 1730 in trying to escape and join the Iroquois, the Foxes were defeated in eastern Illinois and a large number killed. The Sauk^{es} about this time joined the Fox, their kinsfolk, and a French officer was killed in 1733 at the Sauk village where Green Bay^{es} now stands. A battle at the Butte des Morts followed, wherein several French officers were slain. The Sauk and Fox maintained for several years a guerrilla warfare which was finally ended by the conciliatory advances of Joseph Marin, who in 1740 took several chiefs to Montreal, where peace was made.

The Fox was made a shift in the trade routes; the Fox-Wisconsin being insecure, the Chicago-Illinois and the Wabash^{es} routes came into use, shifting French trade into the region claimed by the English. They were thus an indirect cause of the loss of the French empire in North America (see French and Indian War).

[L. P. Kellogg, *The Fox Indians during the French Régime*, in *Proceedings*, Wisconsin Historical Society, 1907.]

LOUISE PHELPS KELLOGG

Fox-Wisconsin Waterway, THE, from the time of its discovery by French explorers, constituted one of the best-known portage routes from the upper Great Lakes to the Mississippi, and was the main artery of transportation through what is now Wisconsin. Wisconsin River flows southwest and south until just below the narrows, called the Dells, it makes a sharp elbowlike turn to the west and finally enters the Mississippi River at latitude 43°. Near the elbow bend the Fox River rises, which flows northeast and enters Green Bay in latitude 44°. Between the bend of the Wisconsin and the upper Fox River there is a carrying place called a portage about a mile and a half in length, over level ground. The Wisconsin River in high water occasionally overflowed the portage, and boats could pass with-

out unloading. This waterway was known to the Indians from prehistoric times. An Indian legend relates that a great serpent came down the Wisconsin, leaped across the portage and wriggled its way to Green Bay^{es}, thus accounting for the sinuosities of the upper Fox. The first travelers by this route, of whom there are records, were the French explorers, Louis Jolliet^{es} and Jacques Marquette, sent in 1673 by the officials of New France to find the central river of the continent. They ascended Fox River from Green Bay to the Mascouten^{es} village, previously visited by French traders and missionaries. Thence they were escorted to the portage, of which Marquette wrote, "Thus we left the waters flowing to Quebeq four or five hundred leagues from here to float on those that would henceforth take us through strange lands." In this way was discovered the first portage route from the Great Lakes to the Mississippi, which continued in use until the era of railroads.

The first known eastward traverse was that of Duluth after he had rescued Hennepin from the Sioux Indians and brought him to Mackinac^{es} in 1680 over the Wisconsin-Fox route. Thereafter it was continually in use by French traders, travelers, soldiers and missionaries. Nicolas Perrot went this way in 1683 to build forts on the upper Mississippi. A French expedition of 1727 passed by this route to build Fort Beauharnois^{es} for the Sioux trade. The Fox-French wars^{es} deflected some traffic to the Chicago-Illinois route. The last French expedition was the retreat in 1760 of the soldiers of the garrisons of Forts Michilimackinac and La Baye after the capture of Montreal^{es} by the British.

During the British regime, the Fox-Wisconsin waterway was in continuous use. Before the French left, a retired soldier had established a transit at the portage by means of an oxteam. Jonathan Carver^{es} found this veteran there when in 1766 he set out to find the Northwest Passage to the Pacific. Posts and towns were built at each end of the waterway, at Green Bay and Prairie du Chien^{es}. A British expedition passed over this route in 1814 in order to dislodge an American garrison that had been established at Prairie du Chien. The next year the last British troops in Wisconsin retired by this route to Mackinac.

The Americans in 1816 safeguarded the Fox-Wisconsin portage route by building Fort Howard at its eastern end, Fort Crawford at the western. In 1828, after a serious uprising of the Winnebago Indians, Fort Winnebago^{es} was built at the portage. Its garrison was maintained until the 1840's.

Upon the settlement of this region by Ameri-

cans, the Fox-Wisconsin became the chief artery between the lead-mining region in southwest Wisconsin and the older settled community around Green Bay. Lead was shipped over this route to Lake Michigan; provisions and necessities for settlers crossed in return.

Improvement of the route was one of the first plans of American entrepreneurs. A canal was finally dug across the portage, and the falls and rapids of the lower Fox were overcome by locks. A land grant was secured from Congress in 1846 to finance the improvement and by 1850 the portage canal was finished and a steamboat went through. A company was organized in 1853 known as the Fox-Wisconsin Improvement Company. Its work did not make the route navigable, and the matter was in 1872 turned over to government engineers. By this time railways had become formidable competitors of waterways, and though much work has been done, the Fox-Wisconsin still (1939) remains unnavigable except for small craft.

[L. P. Kellogg, *The French Régime in Wisconsin and the Northwest*, and *The British Régime in Wisconsin and the Northwest*; Joseph Schafer, *The Winnebago-Horicon Basin*.]

LOUISE PHELPS KELLOGG

Fractional Currency. Technically, fractional currency means coins and paper money⁹⁹ of a less denomination than one dollar. By common usage the term refers particularly to paper money of these values, long designated as "shin-plasters."⁹⁹

In the colonies the nominal standard was the British pound. The actual currency was whatever coins reached our shores, the Spanish dollar and its parts predominating. It is not improper, therefore, to designate as fractional currency paper money of a denomination of 1 shilling or less. Such notes were circulated in large volume as part of the paper issues of the individual colonies. The more frequent denominations were 3 pence, 6 pence and 1 shilling. In the colonies which prohibited issues below 1 shilling the provision was sometimes evaded by the issue of notes for 1 shilling and 3 pence or 1 shilling and 6 pence.

The Revolution brought forth a flood of fractional notes, issued both by the Continental Congress⁹⁹ and the several federated colonies. The differing valuations of the Spanish coins in the different colonies resulted in a diversity of denominations without parallel in history, 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10 pence and 1/16, 1/10, 1/9, 1/6, 1/5, 1/4, 1/3, 1/2, 2/3 and 3/4 of 1 dollar. They were a part of the net losses of the war, a negligible quantity being redeemed.

Fractional notes were issued sporadically by

banks and business houses from the formation of the Union to the end of the Civil War, especially in depression periods and in the small coin shortage of 1851 to 1853. The denominations in the earlier years were more frequently in the Spanish terms of 61¼ and 12½ cents.

The Civil War drove out all silver coins in the summer of 1862, creating chaos in retail trade. After an unhappy public experience with postage stamps⁹⁹ and other substitutes, Secretary Chase authorized, quite without legal authority, the issue of fractional notes, commonly called "postage currency." Congress later legalized such issues by providing, on July 17, 1862, for the issue of fractional currency. In denominations of 3, 5, 10, 15, 25 and 50 cents these notes were the retail currency of the nation until 1878, when silver coinage was restored (*see* Bland-Allison Act).

The difficulties arising from the use of paper notes, the blunders of the Treasury in its efforts to restore silver coinage, the intrusion of political influence in the choice between nickel and silver coins, and the dramatic return from Latin America in 1877 of the coins which had disappeared in 1862 make one of the most interesting stories in the annals of American finance.

The inconvenience, controversy and loss suffered by the public in the use of fractional notes are beyond calculation. At the maximum, something less than \$50,000,000 were officially outstanding. The bulk of these were redeemed, but at the present time some \$15,000,000 are still on the books, of which possibly \$2,000,000 are in collections. The rest are lost or destroyed. Inept handling of the crisis when it arose in 1862, unscientific and impractical policies of the various secretaries in the succeeding years, and general failure of the Federal Government to understand elementary principles in connection with fractional currency are a part of the history of these notes. From Secretary Chase to Secretary Sherman, no Treasury officer showed ability to cope with the problem of retail currency.

A vast volume of notes issued by merchants and by banks, cities, counties and school districts supplemented the Government's fractional currency in the Civil War period, all of them issued in violation of Federal law. The issues of Wilmington, Newark and Albany were especially notable.

In the inflationary price rise of the World War period, there was a shortage of small coins, and in a few cities one-cent and two-cent notes were issued through local clearinghouses. The most notable instance was in Scranton, Pa., in 1919.

[N. Carothers, *Fractional Currency*; W. C. Mitchell, *History of the Greenbacks*; J. J. Knox, *United States Notes*.]

NEIL CAROTHERS

Frame of Government, 1682. See Penn's Frame of Government.

France, Convention with, 1800. See Convention of 1800.

France, American Joint Commission to (1776-78). Diplomatic contact was first established with France, in 1776, by Silas Deane, who was sent over before the Declaration of Independence⁹⁹ to purchase military supplies. The French Minister Vergennes received him informally but sympathetically and facilitated his purchases. (See Franco-American Alliance) After the Declaration of Independence, Congress appointed a joint diplomatic commission consisting of Deane, already in Paris, Arthur Lee, its agent in London and Benjamin Franklin, then in Philadelphia and a member of the Congress. They had instructions, based on the so-called Plan of 1776⁹⁹, or model plan for treaties with foreign powers, to negotiate treaties with such states as would make them, particularly with France and with Spain. At first Congress shrank from the idea of alliances, expecting recognition and assistance without them, but soon it was impelled to seek alliance as well as recognition, for France could not be expected to brook a war with Great Britain without a mutual arrangement with the United States insuring against a separate peace. Congress was also willing to make an alliance with Spain, guaranteeing Spanish possession of the Floridas and (later), if necessary, exclusive navigation of the Mississippi River; but Spain, though she proved willing ultimately to make war on England in alliance with France, was unwilling to set a bad example of revolt for her own American colonies by signing a treaty with the revolted colonies of Great Britain. She therefore turned back Arthur Lee when he entered Spain in 1777.

Though the American Commission was not formally received by the King of France until March 20, 1778, after the signature of the alliance of Feb. 6, 1778, Vergennes remained in close touch with it and facilitated the granting of loans and subsidies to the United States during the period of France's deceitful neutrality. The three commissioners, notably Franklin, did valiant service in keeping the American cause warm in French public opinion while the French government was waiting for the opportune moment to recognize the United States openly. After the signature of the treaties of 1778 and the formal reception of the envoys by the king, the Joint Commission continued to function until, later in the year, Franklin was made the sole minister plenipotentiary of the United States in France.

[Samuel Flagg Bemis, *Diplomacy of the American Revolution*.]

SAMUEL FLAGG BEMIS

Franchise, THE. In its broadest sense a franchise is a privilege of any sort granted by the government to an individual or group of individuals, e.g., the franchise for a street railway. Specifically, the term is used to denote the right of suffrage. Individuals upon whom this right is conferred are voters or electors; collectively, they make up the electorate which may be defined as that part of the people of a state who are legally qualified to declare their will authoritatively in the choice of public officials or as regards other political matters—in direct primaries, on initiative and referendum measures, in recall elections and the like.

Idealistic statements of qualifications for the right of suffrage usually include (1) loyalty to the Constitution; (2) a sufficient amount of political intelligence; and (3) willingness to use the vote according to one's conscience for the general good of the commonwealth. However desirable loyalty, intelligence and conscientiousness may be in the abstract, it is evident that tests to determine their existence would have to be numerous and complicated; moreover, opinions differ widely as to the nature of such tests. It is not strange, therefore, that actual qualifications laid down by Federal and state constitutions and laws should deal with more tangible matters, such as age, sex, race, nationality, literacy, payment of taxes and period of residence in various jurisdictions (see *Citizenship*).

In the course of our suffrage history two broad developments have taken place: first, the lowering or abrogation of many of the legal qualifications noted above; and, second, the conferring upon the electorate of several heavy and important new duties. During colonial days property and tax-paying qualifications were high; as a result only about three fourths of the adult white males in the North, and somewhat less than one half in the South, were qualified to vote. Immediately prior to the Revolution religious tests were still in effect in Rhode Island, New York, Virginia and Maryland, but all of those which were of a sectarian character had disappeared by 1810. The enormous sweep of suffrage extensions throughout the nation subsequently is revealed by estimates indicating that the proportion of the total population which possessed the franchise increased from only 6% in 1789 to between 40% and 45% in 1931.

At the same time that this vast extension of suffrage took place, and particularly during its later phases, a large number of new duties were

placed upon the electorate. Originally the prevailing idea was that voters should choose only representatives in the legislatures. With the rise of Jacksonian democracy⁷⁰ they were given power to elect administrative and judicial officials as well. Also, the attempt of the Founding Fathers to keep the choice of the President away from too direct influence by the voters soon broke down. By 1800 the Electoral College⁷¹ had been subjected to party control. Beginning with Wisconsin in 1903 a further striking addition to the powers of the electorate was made by the introduction of the direct primary⁷². As a result of this device the voters who earlier had chosen only between candidates nominated by caucuses and conventions, now began to name the candidates themselves as directly as possible. In 1913 the Seventeenth Amendment⁷³ to the Constitution took the choice of United States Senators away from state legislatures and placed it in the hands of the electors. Since 1898 the initiative and referendum laws⁷⁴ of twenty-two states have given voters direct power over legislation. Finally by the recall⁷⁵ they have been placed by twelve states in a position to determine at a special election whether certain officials shall be suspended before the legal expiration of their terms. Taking all these newer powers into consideration, it is evident that the electorate, which originally was considered a silent partner in government, speaking only at the intervals legally fixed and then only to pronounce judgment as between candidates, has now become a much more active and frequent participant in a wide variety of affairs of state. On this ground there is a certain justification for adding it as a fourth to the traditional three organs of government—legislative, executive and judicial.

Suffrage history in the United States falls into three periods: (1) extension of the franchise to the white manhood of the country beginning with 1789; (2) efforts to establish Negro suffrage⁷⁶ from the Civil War to the present time; and (3) the movement for woman suffrage⁷⁷ which triumphed in 1920.

Beginning with the adoption of the Constitution colonial limitations upon the right to vote were lifted in one state after another so far as white males were concerned, the process being substantially complete well before the onset of the Civil War. Jefferson's doctrines and Jackson's policies contributed to the success of this democratic movement. Fierce party competition characteristic of the period caused a continual reaching out for new blocks of voters. Strong economic forces were also at work. Newly formed states in the West offered to poorer settlers not

only land and opportunity but the right to vote as well; indeed, several of the Western commonwealths permitted aliens to vote merely on declaration that they intended to seek naturalization⁷⁸. States on the eastern seaboard were compelled to reduce their suffrage qualifications in order to meet competition from beyond the Alleghenies.

Prior to the adoption of the Constitution the nearest approach to white manhood suffrage was in Vermont⁷⁹, which in its Constitution of 1777 provided that "every freeman . . . who has a sufficient interest in the community" might vote. A freeman's oath was also required, binding the elector to vote for the best good of the state as established by the constitution, "without fear or favor of any man." Kentucky and Tennessee came into the Union (1792, 1796) with white manhood suffrage practically established in their constitutions. Early in the 19th century the new states formed out of the territories of the old Northwest and Southwest followed suit. The repercussion of these developments upon the eastern seaboard states was shown by the fact that in 1820 Massachusetts admitted to the suffrage all citizens who paid a poll tax⁸⁰. New York granted the right to vote to all white male citizens in 1826. Thereafter the democratic solution of the problem was taken more or less for granted as state after state entered the Union.

In the whole period from 1789 to 1860, during which the right to vote was being conferred upon larger and larger masses of white males, the attitude in Northern states toward free Negroes⁸¹ remained hostile. Thus, in 1826 New York adopted a constitutional amendment which abolished property qualifications for whites but retained them for colored persons. In 1844 New Jersey disfranchised Negroes altogether. At the outbreak of the Civil War they were permitted to vote in four states only—Maine, Massachusetts, New Hampshire and Vermont. The colored population of these states in 1850 amounted to less than one half of 1% of the total.

By the Fifteenth Amendment⁸² to the Constitution (1870), it was provided that "the right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of race, color, or previous condition of servitude." Immediately a fight to nullify this provision in practice was begun in the Southern states, a fight which has continued with a large measure of success to the present day. At first violence and terror, culminating with the earlier Ku Klux Klan⁸³ (1865-76), were employed to keep the Negro from the polls. Election crimes such as repeating, ballot-

box stuffing, and ballot-box seizures were also resorted to freely in the effort to maintain white supremacy.

As a result of these violent and illegal measures colored voters in Southern states largely ceased to exercise the right conferred upon them by the Fifteenth Amendment. Following the bitter conflicts of the Reconstruction Era⁷ resort was had to other deterrents, among them "moral suasion" and various legal restrictions. To cite one example of the latter, the Mississippi Constitution of 1890 bristled with clauses designed to exclude colored citizens from the polls—without referring to them specifically: increased residence requirements which disqualified nomadic Negroes; deprivation of civic rights on the ground of conviction for petty crimes to which colored men were notoriously given; heavy poll-tax requirements and literacy tests. Administered by white election officials the last-named tests seldom excluded voters belonging to that race; on the other hand Negro applicants, even if able to read and write, frequently found themselves called upon to deal with lengthy Latin quotations which had been inserted in the state constitutions with the express purpose of debarring them (*see* Mississippi Plan). However, the most notable legal device used to this end was the famous "Grandfather Clause,"⁸ which was adopted by South Carolina (1895), Louisiana (1898), North Carolina (1907) and Oklahoma (1910). Essentially, it provided that while all the suffrage restrictions noted above should remain in force otherwise, they should be waived in the cases of applicants who had voted, or whose ancestors had voted, prior to 1866. In this way, while illiterate or otherwise disqualified whites secured enrollment, the illiterate or otherwise disqualified Negroes were excluded. Appearance of conflict with the Fifteenth Amendment was avoided, since colored persons were not specifically mentioned. Nevertheless, the Supreme Court pronounced the Oklahoma Grandfather Clause unconstitutional (*Guinn v. U. S.*, 238 U. S. 347). Subsequently a number of Southern states have sought to exclude Negroes from the primaries in which, owing to the overwhelming predominance of the Democratic party, the real decisions are made rather than in the ensuing elections. Here again, however, the Supreme Court has handed down adverse decisions (*Nixon v. Herndon*, 273, U. S. 536). In general, the effect of the movement to enfranchise Negroes has been fully effective only north of the Mason and Dixon line⁹. To what extent they are excluded south of it is difficult to say. However, recent research has established the fact that in border states, in the

larger cities and in the college towns of the South Negroes vote much more freely than has been assumed. Elsewhere, and particularly in rural districts, the number of colored voters is negligible.

Agitation for woman suffrage began between 1830 and 1840; organization to that end was first effected in 1851. Ten years later Kansas entered the Union with a constitution which conferred the franchise upon women in school affairs. Several other states followed with limited grants of the right to vote in local elections. The territory of Wyoming enfranchised its women in 1869. Its admission to the Union (1890) marks an epoch in suffrage history, for the men of the new state insisted upon retaining full suffrage rights for their women who thus, for the first time, became able to vote in all elections, national as well as state and local. Within six years three neighboring states—Colorado (1893), Idaho and Utah (1896)—enfranchised their women. Thereafter the cause hung fire until, caught up by the progressive movement¹⁰ from 1910 onward, it scored a succession of victories, among others in the great states of California (1911) and New York (1917). In 1912 the platform of the Progressive party declared in its favor. At the national election of 1916 women were voting in eleven states. As a result, the two major parties, hitherto discreetly silent on the subject, expressed themselves somewhat cautiously in favor of the further extension of woman suffrage by state action. Meanwhile, work for the passage of the Nineteenth Amendment¹¹ was being pushed vigorously. It received ratification by the legislature of the thirty-sixth state in the course of the national campaign of 1920, and was duly proclaimed a part of the Constitution Aug. 26 of that year.

Review of the three periods of suffrage history in the United States brings out various similarities and contrasts. The movement for white manhood suffrage was carried through without Federal intervention by small additions to the electorate made first in one state, then in others. Negro suffrage¹² originated with Federal action during the embittered conflicts of the Reconstruction Era. In Southern states it has been fought illegally by a variety of means, legally by a long series of state enactments. Votes for women were sought and obtained by separate constitutional amendments and laws in a large number of Western and Northern states, the effort being crowned with success by the adoption of an amendment to the Federal Constitution. At present white manhood suffrage and woman suffrage are everywhere accepted; on the other hand

resistance to Negro suffrage persists to a considerable degree. The Fifteenth Amendment is still a dead letter over wide areas of the South. In general the United States now possesses a suffrage as inclusive as that of any other democratic country except England. Perhaps it is too wide and should be cut down by literacy requirements honestly administered, as in the State of New York. However that may be, educational and social reforms designed to lift the electorate to the level of the heavy and important duties imposed upon it are clearly desirable if the future of the Republic is to be assured.

[K. H. Porter, *History of the Suffrage in the United States*; P. Lewinson, *Race, Class and Party: A History of Negro Suffrage and White Politics in the South*; Elizabeth Cady Stanton, ed., and others, *History of Woman Suffrage*.]

ROBERT C. BROOKS

Franchises to Public Utilities. Franchises, permits to use the streets or public property of a municipality, were the chief means of regulating public utilities^o serving American cities during the first period of utility development. Influenced by a desire to encourage new industries, municipal councils at first granted franchises to street railway, water, gas, electric companies and other utilities with few qualifying requirements. As need for regulation^o developed, an attempt was made to control rates and service through franchise provisions. Grants were also made for limited terms rather than in perpetuity, and later, indeterminate terms with provision for purchase by the municipality were popular (*see* Municipal Ownership). Control through franchises was disappointing. It was difficult to foresee the rapid changes in the utility industries which tended to make franchise provisions obsolete. At best, enforcement was possible only through laborious, expensive litigation; and in legal battles the municipalities frequently came off "second best."

Much of the graft and corruption during the "dark ages" of municipal politics, 1870-1900, involved public-utility franchises. A liberal franchise was extremely valuable to promoters, who were willing to bribe city councils to get what they wanted. Corrupt members of the council, in turn, were not above using their power of withholding or granting franchises to blackmail promoters and owners of utilities. Franchises were an important issue in many of the municipal reform campaigns of the 1890's. Disclosures in these campaigns, the reports of the "muck-rakers,"^o and investigations of official state commissions helped both to strengthen franchise provisions and to pave the way for state regulation.

With the growth of state administrative regulation of municipal utilities on the lines of the New York and Wisconsin laws of 1907, less and less emphasis was placed upon franchises as a means of regulation. The occasional action of state commissions in permitting utility companies to exceed rates fixed by franchise was a blow to municipal authority; and as the first period of promotion passed, municipal councils found that they had given away all the privileges they had to give and that utility companies had outgrown municipal boundaries. In recent years, with many state utility commissions playing a passive rather than an active role in regulation, and with the failure to establish a satisfactory valuation as a rate base^o, interest in the franchise as an aid in controlling rates has partially revived (*see* Electric Light and Power; Federal Power Commission).

[W. E. Mosher and F. G. Crawford, *Public Utility Regulation*; L. D. Upson, *Practice of Municipal Administration*.]

GEORGE A. GRAHAM

Franciscans, THE, are members of the Order of Friars Minor (O. F. M.), founded by Saint Francis of Assisi in 1209. In colonial times they were pre-eminent in the discovery, exploration and settlement of Spanish North America. In our Spanish borderlands—Florida, Texas, New Mexico, Arizona and California^o—they were in point of time and territory practically the only missionaries among the Indians. (*See also* Georgia, Spanish Missions in.) The "old missions" still bear witness to the zeal and success that marked their activity, from Bishop-elect Juan Juárez, who came to Florida with the Narváez expedition^o in 1528, down to Father José Sánchez, who died at Santa Barbara Mission, Calif., in 1884.

In the sections of the United States belonging to France the Franciscans, known here as the Recollects, were less active. They cast their lot with LaSalle^o in the Illinois country and on the Texas coast between 1675 and 1687. Thereafter, until French North America became English territory, in 1763, the Franciscans labored in upper Louisiana, at Cahokia on the Mississippi and Detroit in Michigan, and at the French forts in northern Ohio, Pennsylvania and New York—Niagara, Crown Point, Saint Frederic and Duquesne^o.

In the English colony they joined the Jesuits^o in 1672 and were active here till 1720, when the last of their group died. It is probable that from Maryland they at this time penetrated into Pennsylvania.

During the half-century following the Ameri-

can Revolution various provinces in Europe sent Franciscans to the United States, usually with immigrant groups. They labored chiefly in the "new" West and Northwest. Father Michael Egan became the first Bishop of Philadelphia in 1802. The history of these isolated Franciscans remains to be traced and written.

The present era of Franciscan activity in the United States, chiefly in parishes and schools, began about a century ago. Since then, regularly organized into juridical entities, they advanced steadily in point of membership and foundations. According to the latest (1937) statistics, there are today about 2225 Franciscans (priests, scholastics and lay brothers) in the United States distributed over 184 foundations (friaries, schools and Indian missions).

[*The Friars Minor in the United States*—Jubilee Memorial Volume; Bonaventure Hammer, O.F.M., *Die Franziskaner in den Vereinigten Staaten; Acta Ordinis Fratrum Minorum*—Official Monthly Report.]

FRANCIS BORGIA STECK

Franco-American Alliance of 1778. The outbreak of the American Revolution found France waiting for an opportunity for revenge against Great Britain for the dismemberment enforced by the Treaty of Paris in 1763⁷⁷. That opportunity, which presented itself in the form of a chance to rend asunder the British colonial empire by intervention in the American Revolution, was quickly discerned by Beaumarchais, influential courtier and well-known French *littérateur*, who had conversations with Arthur Lee, agent of the Continental Congress⁷⁸ in London, in 1775. Beaumarchais' perspicuous confidential memoirs on the subject of French intervention aided the French Minister of State, the Comte de Vergennes, to propose a policy of secret assistance to the revolted colonies. The King's Council decided in favor of this in May, 1776, before the Declaration of Independence⁷⁹, and before any agent of the Continental Congress had set foot on the soil of France, with the result that the French government immediately and covertly extended such assistance in the guise of sales of munitions, from French arsenals, through Beaumarchais' fictitious commercial company, Rodrigue Hortalez et Cie⁸⁰. The French government really had decided to donate these supplies, but when Vergennes and Beaumarchais saw the instructions of Silas Deane, first agent of Congress to appear in France, to buy these things on credit, Beaumarchais naturally sold, instead of gave, the munitions. Loans (a total of 1,000,000 *livres*) and subsidies (3,000,000 *livres*, plus 1,000,000 which the King of France induced the King of Spain to give) during the period of

French neutrality, enabled the revolted colonies to carry on, and to win the important victory of Saratoga⁸¹ (October, 1777).

After the Declaration of Independence, Congress appointed a joint diplomatic commission to France (*see* France, American Joint Commission to), consisting of Silas Deane, Benjamin Franklin and Arthur Lee. They sought, at first, French recognition of American independence and loans, later an actual alliance, when it became apparent that recognition was not possible without an alliance, since recognition would mean war for France with Great Britain. Until the end of 1777 Vergennes continued a policy of watchful waiting and refused formally to recognize the American mission; watchful waiting accompanied by secret assistance and deceitful neutrality; watchful waiting for some auspicious military event which would assure the ultimate triumph of the American cause should France intervene in its favor.

The surrender of Burgoyne⁸² at Saratoga proved the decisive event. After that stunning defeat the North government in England decided to send a peace commission (*see* Carlisle Commission) to America to try to patch up a peace of home rule within the Empire. It became evident to Vergennes that he must act immediately. His decision was made all the more quickly when he found Franklin and Deane conspicuously flirting with secret emissaries of Lord North. Without consulting Spain, Vergennes promised the commission (Dec. 17, 1777) that France would make a treaty with the United States, thus recognizing its independence. Several weeks of risky delay followed while Vergennes unsuccessfully endeavored to get Spain to come into a triple alliance. On Feb. 6, 1778, Vergennes signed two treaties with the independent United States, one a treaty of amity and commerce based on the freedom of the seas⁸³, the other a treaty of alliance in case recognition of the United States should bring war with Great Britain, as it did. The alliance provided that neither party would make peace without the consent of the other, and that there should be no peace until the independence of the United States, absolute and unlimited, should be secured by treaty or by truce. Thereafter, France would guarantee the independence of the United States, according to the boundaries established in the peace, and the United States would guarantee the possession by France of her West Indian Islands.

The alliance successfully weathered diplomatic vicissitudes during the war and during the ensuing peace negotiations, and brought the conflict to a victorious end, thanks to the joint efforts cul-

minating at Yorktown⁷⁸, and to continued French loans (total 35,000,000 *livres*, or \$6,352,000, paid back 1792-95) and subsidies (10,500,000 *livres*, or \$1,996,500).

The conditional and preliminary articles of peace (*see* Definitive Treaty of Peace) were not a violation of the alliance—indeed they were quite agreeable to the purposes of Vergennes' Spanish diplomacy. France did not invoke the alliance in 1793 during her next war with Great Britain, preferring the benefits of American neutral carriage. Jay's Treaty⁷⁹ of 1794 with England did not violate the alliance either, but it provoked an imbroglio and undeclared hostilities with France, ended by the Convention of 1800⁸⁰ which re-established peace and terminated the one and only formal alliance of American history.

[Samuel Flagg Bemis, *Diplomacy of the American Revolution*; E. S. Corwin, *French Policy and the American Alliance*.]

SAMUEL FLAGG BEMIS

Franco-American Misunderstanding (1798-1800). Monroe's mission to France obtained in 1795 exemption of American vessels from the French Decree of 1793 which violated the "free ships, free goods"⁸¹ clause of the Franco-American Commercial Treaty of 1778. However, when the French learned of the Jay Treaty of 1794⁸², they were so angered that they declined to receive C. C. Pinckney, as American minister, refused any longer to observe the treaty of 1778, and issued the Decree of 1796 which declared that the French would treat American ships in the same manner as did the British. Later French decrees ordered that American ships carrying British goods were themselves to be seized and American citizens on British warships were to be treated as pirates. As a result of this severe French policy, damages suffered by Americans amounted to over \$12,000,000 between 1796 and 1800 (*see* French Spoliation Claims). Finally in 1798 President Adams sent a special mission to France, consisting of C. C. Pinckney, John Marshall and Elbridge Gerry, to renew relations and negotiate with France a treaty similar to the Jay Treaty with England. This endeavor failed because the American representatives refused to pay bribes to the agents of Talleyrand, the French foreign minister. This so-called X.Y.Z. Affair⁸³ so aroused the United States that actual war was contemplated. Appropriations were made by Congress; Washington was called out of retirement to lead the army; the navy was enlarged; and American warships were allowed to engage in naval warfare with French armed vessels which netted seventy condemned prizes

amounting to \$700,000 (*see* Naval War with France). This spirited American reaction to the X.Y.Z. Affair, together with Napoleon's plans for colonial expansion, led the French government to be more conciliatory toward the United States in order to prevent an Anglo-American alliance. Adams reciprocated by appointing a mission which, after Napoleon's victory at Marengo, was able to negotiate with him the Convention of 1800⁸⁴.

[S. F. Bemis, *Secretaries of State and Their Diplomacy*, Vol. II.]

LYNN M. CASE

Franco-American Relations. Mutual interest led to the Franco-American Alliance of 1778⁸⁵. Vergennes, the French foreign minister, hoped to avenge the defeat of 1763 (*see* Paris, Treaty of) and break up the British Empire. He achieved his ambition, for French intervention secured American independence. Suspicion of Vergennes' motives, however, led the American peace commissioners to negotiate separately with Great Britain.

The French Revolution affected American diplomacy and politics profoundly, and American sympathies were divided between France and England in the war which began in 1793. President Washington issued a declaration of neutrality (*see* Neutrality, Proclamation of). The French minister to the United States, Genet⁸⁶, rebuffed in his attempt to organize attacks against British and Spanish colonies and commerce on American soil, appealed to the people over the head of the President, who promptly demanded his recall. On their accession to power, the Jacobins repudiated Genet, but Jay's Treaty⁸⁷ with England soon brought a new crisis (*see* Monroe Mission). In this treaty the United States tacitly abandoned the principle of "free ships, free goods"⁸⁸ which it enjoyed under the Treaty of Commerce of 1778 with France. The French retaliated by treating American ships as the English were treating them; by 1800 the losses from this cause totaled over \$12,000,000 (*see* French Spoliation Claims). The Directory refused to receive C. C. Pinckney, the American minister, in 1796, and an American mission to negotiate a settlement led to the X.Y.Z. Affair⁸⁹ (1798). Congress responded by the abrogation of the treaties of 1778, suspension of commercial relations with France, and an authorization to seize armed French vessels. Hostilities broke out on the high seas and continued for over two years (*see* Naval War with France).

Talleyrand, the French foreign minister, wishing to avoid an open war that might forestall eventual French recovery of Louisiana, bent

every effort to restore amicable relations. Assurances were given President Adams through William Vans Murray, American minister at The Hague, that an envoy would be received with the honor due a free nation. Adams ignored the militant Federalists⁷⁷ who desired war and nominated a commission which signed a convention⁷⁸ with the French Sept. 30, 1800. As ratified Dec. 19, 1801, it annulled the Franco-American Alliance of 1778, and exempted France from the payment of indemnities for the losses of American shipping.

Reports of Napoleon Bonaparte's secret acquisition of Louisiana on Oct. 1, 1800 (*see* San Ildefonso, Treaty of) raised a new problem. Wishing at least to protect American navigation of the Mississippi, President Jefferson sent James Monroe as a special envoy to Paris to assist the minister, Robert R. Livingston, in the purchase of the Isle of Orleans and the Floridas⁷⁹, the latter erroneously thought to be French. American protests, failure of the French in Santo Domingo and the outbreak of war with England led Napoleon to make a dramatic decision, and on April 30, 1803, he sold the whole of Louisiana to the United States for \$15,000,000 (*see* Louisiana Purchase). Subsequently the United States suffered severely from Napoleon's Continental System (*see* French Decrees) and the British Orders in Council⁸⁰, but Napoleon managed to avoid a break with the American Government.

Although the restored Bourbons were commonly ridiculed or censured in the American press, there was great popular enthusiasm for Lafayette's visit⁸¹ in 1824-25. The news of the Revolution of 1830 was received with satisfaction, but the July monarchy soon lost our sympathy. The warm controversy over the still unpaid spoliation claims of the Napoleonic period was carried on with characteristic vigor by President Jackson and ended in 1836 with a French payment of 25,000,000 francs.

The Revolution of 1848, the destruction of the Republic, and the setting up of the Second Empire by Louis Napoleon confirmed American belief in French instability. Napoleon III was regarded as a parvenu and conspirator, and when he proposed mediation in the Civil War it was felt that he desired the triumph of the Southern Confederacy. His later intervention in Mexico naturally aroused the American people, and Secretary of State Seward forced withdrawal of French troops in 1867 (*see* Mexico, French in).

The United States was the first nation to recognize the Third Republic. Our jealousy of the French Panama Canal project, and French criticism of our war with Spain (*see* Spanish-Ameri-

can War) were episodes that did not fundamentally disturb our sympathy with the republican government. The gift of the Statue of Liberty, unveiled on Oct. 28, 1886, was greatly appreciated in the United States.

America entered the World War to serve her own interests, yet the historic tie with France was a factor which predisposed the American people to favor the Allies. Divergences between Clemenceau and Wilson at the peace conference and the American Senate's refusal to approve the peace of Versailles⁸² lessened the cordiality between the peoples, and there was a bitter outburst in the United States when France "deferred" her war debt⁸³ payments in 1932. On the other hand, there has been abundant evidence of good feeling, such as the enthusiastic reception accorded Charles A. Lindbergh⁸⁴ in Paris following his trans-Atlantic flight. More important, the world depression and the rise of dictators brought a rapprochement between the two peoples.

[Samuel Flagg Bemis, *A Diplomatic History of the United States*; Elizabeth Brett White, *American Opinion of France*; Howard Mumford Jones, *America and French Culture*; Bernard Fay, *The Revolutionary Spirit in France and America*.]

E. WILSON LYON

Franco-American War Prize Cases, THE, arose as a result of the claims by citizens of the United States, or their legal representatives, for indemnity upon the French government on account of illegal captures, detentions, seizures, condemnations and confiscations prior to Sept. 30, 1800. The United States in negotiating the Convention of 1800⁸⁵ with France had endeavored to obtain payment for injuries to its nationals during the maritime hostilities which had just taken place between the two countries (*see* Naval War with France), but Napoleon insisted that claims for spoliations be relinquished as a condition to the abandonment of the old treaties of 1778. After some delay, the Senate on Dec. 19, 1801, ratified the convention with the indemnity left out. The American claimants then turned to the United States Government for indemnification. On Jan. 20, 1885, Congress passed an act whereby the United States assumed liability to its own nationals for certain of the illegal acts done to their damage by the French state. Almost a century after the injuries had been inflicted, the cases were brought before the Court of Claims. In determining its awards, the Court of Claims was directed to observe "the rules of law, municipal and international, and the treaties of the United States applicable to the same." That is to say the judges were to determine the rights of the parties, i.e., France and the na-

nations of the United States, by reference to principles of public international law. (*See also* French Spoliation Claims.)

[J. B. Scott, ed., *The Controversy over Neutral Rights between the United States and France, 1797-1800.*]

WILLIAM S. CARPENTER

Franking, the privilege by which a letter or packet is permitted to pass through the mails without charge, was introduced in the United States in 1776. The abuses which accompanied its growth became so serious that in 1873 it was discontinued. The following year, by renewing the free-in-county mailing privilege for newspapers, Congress began to restore free mailing. Since that time the free use of the mail has been extended under three headings, namely, congressional franked mail, official penalty mail for certain departments of the Government in penalty envelopes, and personal free mail under signature for authorized persons.

[Wesley Everett Rich, *The History of the United States Post Office to 1829*; Pao Haun Chu, *The Post Office of the United States.*]

I. HOWELL KANE

Franklin, Battle of (Nov. 30, 1864). The day following Gen. J. B. Hood's (C.) failure to cut off Schofield (U.) at Spring Hill^{tn}, the Confederate Army under Hood's command pursued northward to Franklin. The Union troops were ready. Hood, chagrined by his previous failure and goaded by the necessity for a quick decision, rashly attacked. He suffered several bloody repulses with the loss of many men and thirteen general officers. After dark Schofield retired northward to Nashville^{tn}, where he joined the force being gathered by Gen. George H. Thomas. Hood's defeat gave Thomas time to organize an effective defense.

[T. R. Hay, *Hood's Tennessee Campaign.*]

THOMAS ROBSON HAY

Franklin, The State of (1784-88). When North Carolina in 1784 ceded her western lands^{tn} to the United States with a view to avoiding the expenses of protecting the western settlements, and in the interest of land speculators who had acquired large holdings under the state's land acts of 1782-83, the natural result was a movement, among the inhabitants of the eastern part of the region ceded, in favor of the formation of a new state. Encouraged by separatists in southwest Virginia and by the adoption in Congress of the Jefferson ordinance authorizing the establishment of new commonwealths in the West (*see* Ordinances of 1784, 1785 and 1787), the Wataugans^{tn} assembled at Jonesboro in August

and December, 1784, and organized the "State of Franklin." considering the action necessary for the maintenance of orderly government, defense from Indian attacks and protection of land titles. When North Carolina immediately repented her action, repealed the cession act, and attempted to remove some of the western grievances, John Sevier and other western leaders, fearing the effects of separation upon their land dealings in the Tennessee country and at the Muscle Shoals^{tn}, advised reconciliation. Unable to check the Franklin movement, they seized the "reins of power," and adopted a constitution validating North Carolina land titles. With Sevier as governor, the state maintained a precarious existence for four years, characterized by Indian troubles, intrigues with the Spanish (*see* Spanish Conspiracy), and ineffectual efforts to obtain recognition from Congress and North Carolina. The chief cause of failure was the opposition of a rival faction led by John Tipton, which contributed materially to North Carolina's success in re-establishing jurisdiction by 1789.

[S. C. Williams, *The Lost State of Franklin.*]

S. J. FOLMSBEE

Franklin Stove, invented 1742 by Benjamin Franklin, was a device for giving greater warmth, more comfort, and more healthful heating at a lower fuel cost. His idea, drafted in co-operation with his friend Robert Grace, master of Warwick Furnace, consisted of a low stove, equipped with loosely fitting iron plates through which air might circulate and be warmed before passage into the room. This "New Pennsylvania Fireplace" avoided drafts, gave more even temperatures throughout the room, and checked loss of heat through the chimney. The plan was probably a development of an earlier ten-plate stove, and was, in turn, supplanted by the newer cannon-stove invented at Lancaster a decade later.

[Nathan Goodman, *The Ingenious Doctor Franklin*; Benjamin Franklin, *An Account of the New Pennsylvania Fireplace*; John F. Watson, *Annals of Philadelphia.*]

HARRY EMERSON WILDES

Franquelin's Maps. Jean Baptiste Louis Franquelin came to New France about 1672 and in 1678 began making maps of the New World. In 1687 he became hydrographer for the king, alternating in that service with Louis Jolliet. Franquelin interviewed the French explorers on their return from the interior and on his maps recorded the explorations of Jolliet, LaSalle³⁹⁷ and other travelers. Twenty of his maps have

been identified, most of which he signed. They extend in time from 1678 to 1708, the last of which was drawn in France. They exist in manuscript in the French Archives. The most noted are "Carte de la Louisiane," 1684, published in R. G. Thwaites, *Jesuit Relations*, LXIII, and "Carte de l'Amérique Septentrionale," 1688, part of which is published in L. P. Kellogg, *French Régime in Wisconsin and the Northwest*.

[A list of Franquelin's maps is given by P. G. Roy in Royal Society of Canada, *Proceedings and Transactions*, series iii, Vol. XIII, sec. 1, pp. 56-57.]

LOUISE PHELPS KELLOGG

Fraternal Organizations. See Secret Societies.

Fraunces Tavern, THE, at the southeast corner of Broad and Pearl streets in New York City, is a reconstructed 18th-century house, originally built by Stephen de Lancey in 1719. It was opened as a tavern by Samuel Fraunces (or Francis) in 1762, and became a popular gathering place. In the Long Room, on Dec. 4, 1783, Washington said farewell to his officers. The tavern is now owned by the Sons of the Revolution.

[H. R. Drowne, *A Sketch of Fraunces Tavern*.]

STANLEY R. PILLSBURY

Frayser's Farm, Battle of (June 30, 1862). After Savage Station^u McClellan (U) got his force across White Oak Swamp while Lee hurried to hit the exposed Union column marching through thick country toward the James. Near Frayser's Farm and the settlement of Glendale, Longstreet and A. P. Hill (C.) struck east but were checked after slight successes, as Union troops there were numerically superior. Holmes and Jackson (C.) then failed to carry out Lee's converging plan and encircle McClellan, who withdrew to Malvern Hill^u. (See also Peninsula Campaign.)

[D. S. Freeman, *R. E. Lee*.]

ELBRIDGE COLBY

Frazier-Lemke Farm Bankruptcy Act. To relieve farmers burdened by mortgages on which foreclosure was threatened, Congress, on June 28, 1934, enacted legislation which, under certain conditions, authorized courts to grant to such farmers a five-year moratorium^u. The Supreme Court, on May 27, 1935, unanimously held this act to be a violation of the due-process clause^u of the Fifth Amendment to the Constitution. Congress then passed, on Aug. 28, 1935, a new act, modifying the terms of the moratorium and limiting it to a three-year period. This was unan-

imously approved by the highest tribunal on March 29, 1937.

[*Statutes at Large*, Vols. XLVIII and XLIX; 295 U. S. 555; 57 Sup. Ct. 556.]

ERIK MCKINLEY ERIKSSON

Frederica, Ga., was a fortified town on St. Simons Island, commanding the inner passage. Laid out by James Oglethorpe in 1736 as a defense against the Spaniards in Florida, it consisted of a fort and barracks, made of tabby, and of many houses, some of brick; all were surrounded by earthen fortifications. It was abandoned as a fortified post in 1748, and by the time of the Revolution it had fallen into ruins.

[C. C. Jones, Jr., *The Dead Towns of Georgia*, and *The History of Georgia*; W. B. Stevens, *A History of Georgia*.]

E. MERTON COULTER

Frederick, Md., laid out in 1745, was settled several years before by a group of Germans led by John Thomas Schley. In 1755 Gen. Braddock^u had his headquarters here for a brief period. During the Revolution the residents were active in the patriot cause, Thomas Johnson, as a member of the Continental Congress, nominated George Washington as Commander in Chief of the Continental Army; and John Hanson was chosen as the first President of the United States under the Articles of Confederation^u. Francis Scott Key, who began the practice of law in Frederick, wrote the National Anthem. During the Civil War, with the battles of South Mountain, Antietam, Gettysburg and Monocacy^u near by, the town was in the path of marching troops; the Barbara Fritchie^u incident occurred in 1862, and in 1864 a ransom of \$200,000 was paid to the Confederates.

[T. J. C. Williams and Folger McKinsey, *History of Frederick County, Maryland*; J. Thomas Scharf, *History of Western Maryland*.]

EDWARD S. DELAPLAINE

Fredericksburg, Battle of (Dec. 13, 1862). Following Gen. McClellan's (U.) defeat at Sharpsburg, command of the Army of the Potomac was given to Gen. Burnside (U.) who made Richmond, instead of the Army of Northern Virginia, his objective^u. Gen. Lee (C.) outmarched him to Fredericksburg and placed his army of about 78,000 on the high ground from one to two miles south of the Rappahannock. His lines roughly paralleled the river for more than six miles. Burnside slowly concentrated his 122,000 on the northern bank, with difficulty drove the Confederate sharpshooters out of Fredericksburg and crossed to the southern bank, where he drew his lines for battle on Dec. 13.

The Confederate right flank rested on no natural obstacle, but only one major assault was made on the right of Lee's line during the entire day, and this was repulsed. The main battle was fought at the base of Marye's hill, where a sunken road provided a natural breastwork for the Confederates. Wave after wave of Union infantry was broken and rolled back by the devastating fire from this road. Fourteen charges cost 6300 men before nightfall ended the battle along the entire line, after 10,208 Unionists and 5209 Confederates had been killed or wounded. Burnside planned to renew the attack on the 14th but was dissuaded by his commanders. His plans frustrated by his defeat, Burnside withdrew his demoralized army north of the Rappahannock during the night of the 15th and was subsequently relieved of his command, which was given to Gen. Joseph Hooker.

[Matthew Forney Steele, *American Campaigns*.]

GEORGE FREDERICK ASHWORTH

Fredericktown, Mo., Action at (Oct. 21, 1861). Union forces under Colonels Plummer and Carlin defeated Brig. Gen. M. Jeff Thompson's forces of the Missouri State Guard, breaking up the Confederate advance into southeast Missouri. St. Louis, the lead mines and the Iron Mountain railroad had been Southern objectives.

[R. S. Douglass, *History of Southeast Missouri*, Vol. I; Walter B. Stevens, *Centennial History of Missouri*, Vol. I.]

FLOYD C. SHOEMAKER

Fredonian Revolt, THE (1826-27). Haden Edwards, an *empresario*^o in eastern Texas, became involved in a quarrel with certain old settlers in his colony. When the higher Mexican officials championed the cause of the old settlers and annulled Edwards' contract the Edwards party offered resistance and proclaimed the Republic of Fredonia. The revolt was suppressed without bloodshed.

[E. C. Barker, *The Life of Stephen F. Austin*.]

RUPERT N. RICHARDSON

Free Banking System, THE, was the most important product of state banking experience in the quarter century from the passing of the Second United States Bank and the establishment of the National Banking System^o. Historically, in its English background, the "free-banking" idea was a product of the *laissez-faire*^o economic theory of removing restraints from business. In the United States, however, its origins are found in the Jacksonian antibank movement of the West^o. Free banking came to mean not the removal of social control but the abolition of the special privileges which banks enjoyed by virtue

of special charters. It also came to mean a note issue protected by a deposit of public securities. In its American form, therefore, free banking may be regarded as a compromise between the Jeffersonian and Jacksonian hostility to banks and the Hamiltonian idea of a centralized national bank monopoly.

The basic law and model for other states was the New York act of April 18, 1838, by which the practice of granting special legislative charters was discontinued. The issue of notes was placed in the hands of a comptroller at Albany who was authorized to issue registered bills to any bank upon the deposit of an equal amount of bonds of the United States, New York or other approved states. A limited amount of real-estate mortgages was also accepted as security but this provision was found unwise and later abolished. Upon the failure of any bank to redeem its notes upon demand, the comptroller was authorized to sell its securities and make redemption.

This system was strengthened by later amendments and evolved into one of the strongest in the nation. Its basic principles of freedom of incorporation, individual stockholder liability and a note issue protected by public securities deposited with the comptroller, were adopted by no less than sixteen states and Canada. It did not have the principle of the Louisiana system of a specie reserve, and the bond-security principle was open to the criticism of inelasticity. The New York free-bank system and the Louisiana principle were both incorporated into the National Banking System of 1863. These facts testify to the continuity of American financial institutions and to the validity of the Federal system of state experimentation.

[L. C. Helderman, *National and State Banks: A Study of Their Origins*.]

L. C. HELDERMAN

Free Land is the term which was used rather loosely to refer to the frontier^o, the "outer edge" of settlement where land was cheap if not actually free, and where squatters^o could settle, make their crude improvements and eventually expect either to acquire title by purchase or to sell their claims to later comers. Free grants were given in the colonial period, and in Oregon and Florida before 1862. After 1862 all public land which was surveyed and opened to settlement was free, with some exceptions, under the Homestead Law^o.

PAUL WALLACE GATES

Free Love is a term loosely applied to any sexual union outside the conventional marriage bond, throughout the entire range from promiscuity to the legally recognized common-law

marriage. More accurately, free love differs from ordinary marriage chiefly by rejecting the need for social control over sex relations. Its chief American protagonists, the Fourierists, Oneida Community perfectionists^{qq}, and the Claflin equalitarians, like the philosophical anarchists, preferred personal freedom to religious, legal, traditional or clan sanctions. The chief American experiment in free love was in the Free Love Valley colony of Chester County, Pa., in the 1840's.

[Theophilus R. Gates, *Battle-Axe and the Weapons of War*, Vols. I-III, July-December, 1837; John Humphrey Noyes, *Scientific Propagation*; Ellen Key, *Love and Marriage*; Geoffrey May, *Social Control of Sex Expression*; M. F. Darwin, *One Moral Standard for All, Extracts from the Lives of Victoria Woodhull and Tennessee Claflin*.]

HARRY EMERSON WILDES

Free Negroes were found in the United States from earliest times. Some of them were the descendants of free Negroes who had migrated to the colonies; some were freed by act of the legislature for service to the state, and many were freed by their owners, by deed or by will (*see* Manumission).

The treatment of free Negroes varied from state to state, but before 1830 the treatment was very fair. The free Negro could own property; he had the right to vote in some states; and was expected to pay taxes and render military service. He was free to engage in any kind of labor, and in competition with white labor he was usually successful because he was more tractable and had a standard of living which made it possible for him to work for lower wages.

Slave insurrections and abolition agitation^{qq} increased white fear of free Negroes after 1830, and their position became increasingly difficult. Many were forced back into slavery by kidnapping^{qq}, by sale for failure to pay fines or by some legal trick. Some states gave them the right to choose a master and return to slavery voluntarily.

Freedom of movement was restricted. Some states refused to admit free Negroes. Others did not permit them to reside in the state. Many states required them to register and to carry "free papers" with them, and often they were required to post bond for good behavior. Assemblage was made unlawful, and it was a felony to teach free Negroes to read and write.

The free Negro was peculiarly defenseless. He had no master who was interested in protecting him and he was not accorded full protection by the courts. He could not testify in his own behalf or serve on juries. In a case involving his freedom the burden of proof rested upon the Negro.

The free Negro did not fit into the economic and social life of the period either in the North or in the South. White labor hated his competition in the North. The master feared his influence on slaves in the South. He was not wanted anywhere. The only constructive attempt made to solve his problem was the attempt to eliminate him from the United States by colonization (*see* American Colonization Society). This attempt failed and the free Negro remained an anomaly in a slaveholding country until the Civil War ended slavery and all Negroes were free (*see* Thirteenth Amendment).

[A. B. Hart, *Slavery and Abolition*.]

HALLIE FARMER

Free School. *See* Schools, Public.

Free Ships, Free Goods, The Formula of, refers to the claim of neutrals that cargoes in neutral ships, excepting contraband^{qq}, are not subject to seizure by the belligerents. The United States has been a consistent champion of the formula. Our interpretation was not accepted by England at the time of the War of 1812^{qq}. Both England and Germany opposed the principle in 1914. President Wilson's attempt to include a definition of the Freedom of the Seas, in the Versailles Treaty^{qq} in 1918, failed.

[John H. Latané, *American Foreign Policy*.]

JOHN COLBERT COCHRANE

Free Silver. The movement for the free coinage of silver, superficially an agitation for the adoption of a specific monetary policy, was much more than that. Springing from the very roots of the American social order, it was the political manifestation of a theory of currency, of sectional antagonism, of class bitterness, and of conscienceless political intrigue. Condemned by competent authority as unsound and unworkable, "free silver" was none the less for millions a crusade for economic justice and social betterment.

In 1853 (*see* Coinage, Subsidiary) bimetallism^{qq} was abolished for the five-, ten-, twenty-five- and fifty-cent silver pieces. Unhappily the law said nothing about the silver dollar^{qq}, an unknown coin which had virtually never circulated. The oversight left the country, legally, on the double standard at the old 1837 ratio of sixteen to one. In 1873 a revision of the coinage laws (*see* "Crime of 1873"), which had been before Congress three years and had been considered line by line by dozens of committees, dropped the silver dollar, thus establishing the single gold standard^{qq}.

In 1873 a combination of events of worldwide scope resulted in a violent fall in the value of silver. The value of the silver in a dollar fell below that of a gold dollar and a little later below the value of the current Greenbacksm dollar. The owners of the silver bullion pouring out of the newly developed mines in the West (*see* Cripple Creek; Comstock Lode), seeking desperately some artificial support, realized that if free coinage at sixteen to one were permitted they would have an unlimited market for silver, with a profit on every dollar of the difference between the metal value and the coinage value.

They started a drive for "free silver" which in sixty-five years has never been relaxed. Their case rested on four unsound contentions: that the law of 1873 was secretly railroaded through Congress, that the silver dollar was the traditional currency of the common people, that the Panic of 1873sm was caused by the "demonetization" of silver, and that "restoration" of free silver would increase the monetary supply, raise prices and end depression.

The distressed farmers, the Populist and Grangersm elements, and the economically untrained in general accepted these propositions and demanded free silver. From the early 1870's to the middle 1900's the establishment of bimetallism was the leading issue in America. It was narrowly averted time after time, on two occasions only by the passage of laws giving silver producers a government subsidy.

These subsidy measures precipitated the Panic of 1893sm. In the face of this fact the silver movement captured the Democratic party, up to this time less prone to yield subsidies than the Republicanssm. The bitter campaign of 1896, with its "Coin's Financial School" and "Cross of Gold" keynotes, resulted in the defeat of Bryansm. In March, 1900, Congress passed the gold standard act, but in the campaign of that year Bryan again made free silver an issue.

The economic aspects of the free-silver movement are inevitably a part of its history. With sixteen ounces of silver worth less than one ounce of gold, free coinage would destroy gold as a medium, put the country on a debased silver standard, cause chaos in foreign tradesm, and engender a crisis. During the entire period of the free-silver movement a silver dollar was worth less than a dollar in gold, and in the Bryan campaigns the value was around fifty cents. Adoption of free silver would have meant national financial suicide.

The world depression (1929 *et seq.*) drove silver to the lowest depths in history, a dollar being worth eighteen cents at the bottom point.

But the movement was revived in Congress in 1933, and in that year thirty-three United States senators voted for free silver at sixteen to one. Devaluationsm of the gold dollar in 1934 changed the actual ratio of the two dollars to twenty-seven to one, and "free silver at sixteen to one," never rational economically, ceased to have any significance traditionally.

[A. B. Hepburn, *History of the Currency*, N. Carothers, *Fractional Money*; J. L. Laughlin, *History of Bimetallism*; F. A. Walker, *International Bimetallism*.]

NEIL CAROTHERS

Free Society of Traders was a commercial company to which William Penn sold 20,000 acres of land and, on March 24, 1681, granted a charter with large powers and privileges, including manorial rights. By June, 1681, it had a paid-in capital of £10,000, and had effected an elaborate organization, Nicholas More being president and James Claypoole, secretary. All goods were to be consigned to an agent in London, and "two or more general factories" were to be set up in Pennsylvania. Large results were expected, but the results were disappointing.

[*Articles, Settlement and Offices of the Free Society of Traders in Pennsylvania*; H. M. Jenkins, *Pennsylvania, Colonial and Federal*, Vol. I.]

WAYLAND F. DUNAWAY

"Free Soil, Free Speech, Free Men and Frémont." "We inscribe upon our banner: Free Soil, Free Speech, Free Labor and Free Men," declared the Free Soilsm platform in 1848. In the campaign of 1856 the Republicanssm adopted the alliterative slogan with varying changes and extended it by adding "Frémont," the name of their presidential candidate of that year.

[James Albert Woodburn, *Political Parties and Party Problems in the United States*.]

J. HARLEY NICHOLS

Free Soil Party was the commonly accepted designation of the movement organized at Buffalo on Aug. 9, 1848. As antislavery-extension sentiment developed and found expression in the Wilmot Provisosm formula, considerable Northern dissatisfaction with the evasive policy of the old parties appeared. The New York Democratic "Barnburners"sm not only broke away from the regular organization but, meeting on June 22 and 23, 1848, undertook the nomination of their leader, Martin Van Buren, for the Presidency. Simultaneously a convention at Columbus, Ohio, dominated by "Conscience" Whigssm proclaimed dissatisfaction with the regular parties and called a national convention to meet at Buffalo on Aug. 9. These elements, together with the Liberty partysm and a group of

land reformers, now co-operated in the broader movement which nominated a ticket of Martin Van Buren and Charles Francis Adams. Their platform announced a policy of "no more slave states and no more slave territory" and of free homesteads to actual settlers. Van Buren polled 291,263 votes, largely in New York state and in the Northwest; by running second in New York he prevented the election of Lewis Cass. A dozen members of Congress, who later held the balance of power in the lower House, and a considerable number of state legislators, indicated a fair success for the movement. The campaign of 1852nd in support of the candidacy of John P. Hale saw the Free Soil vote fall to 156,667. Two years later its disorganized remnants found a logical successor in the newly forming Republican partyth.

[J. B. McMaster, *History of the People of the United States*, VII; T. C. Smith, *The Liberty and Free-Soil Parties in the Northwest*.]

ARTHUR C. COLE

Free-State Party. See Kansas Free-State Party, The.

Free Trade or low tariff doctrine has not lacked disinterested advocates throughout the history of the United States. But the chief adversaries in American tariffth controversies have always been regional or occupational "interests" with an economic stake in low or high import duties. The South, to the extent that it has depended on cotton and tobacco exports, has wanted "tariffs for revenue only," and insisted on a constitutional prohibition on export taxesth. In the rest of the country the economic pattern has been so complex and changing that clear-cut tariff alignments have either been nonexistent or have shifted rapidly.

Until 1808 the export of farm and forest products to foreign markets was so profitable and imports were so cheap that there was little incentive to engage in manufacturingth and consequently little agitation for tariffs except in Pennsylvania. Duties were low and no protectionth whatever was given to such later tariff favorites as textiles. War and embargoth, 1808-15, stimulated manufacturing (woolen, cotton, iron); restoration of peace caused a flood of imports. With improved harvests in Europe, agricultural exports and prices declined; manufacturing became relatively more attractive and farmers began to appreciate the home market. Free trade sentiment waned perceptibly in the agricultural and manufacturing North, except in New England, where importers and shipown-

ers were opposed to all tariffs, and manufacturers disliked those on raw materials. The South was solidly free trade after 1820 because it wanted cheap imports, and also feared English retaliations against raw cotton. The tariff was a sectional rather than a party issue in 1824 and 1828.

By 1833 free trade sentiment revived, as Northern farmers, believing that young industries no longer needed protection, joined forces with Calhoun and the South in an alliance that kept tariffs low until 1860. After the Civil War the protectionists controlled tariff policy for many years. Continued Southern devotion to free trade and persistent, though wavering, low tariff sentiment in the West produced only the short-lived horizontal duty reduction of 1872 and a few haphazard reductions in 1883. In the campaign of 1888 free traders rallied around Cleveland as the tariff for the first time became strictly a party issue. But the protectionists won again and passed the Tariff of 1890.

In the two decades following 1890 popular hatred of monopolyth came to the support of free traders, as the belief—only partially justified—became current that the tariff was "the mother of the trusts"th. This issue defeated the high-tariff Republicans in 1890 and again in 1892 when Cleveland was elected with the support of normally Republican but trust-hating Indiana, Illinois and Wisconsin. But the Democrats, torn over free silverth, lost their chance, and the Tariff of 1894 pleased free traders only by putting wool on the free list. Free silver occupied the stage for several years. However, continued anti-trust feeling had bred such hostility to extreme protectionism that even the Republicans promised tariff reduction in the elections of 1908. More clearly than ever before the Tariff of 1909 revealed how sadly the ranks of free traders were being thinned by sectional interests. The West and South demanded lower tariffs; yet Western votes put a tariff on sugar and wool, and Southerners supported one on lumber. Log-rolling, not principles, was making the tariff.

Crisis and depression still further shook public confidence in the virtues of the "American System"th, and the high cost of living was blamed on what was regarded as an unholy alliance between monopoly and tariffs. The Democrats won two smashing victories, 1910 and 1912, with low tariffs as a major issue. The Republicans demanded tariffs which would "equalize costs of production" at home and abroad; the Democrats called for a "competitive" tariff, but promised that no "legitimate" industry would be sacrificed. Much emphasis was placed on the con-

sumer's interest in reductions in duties on sugar, wool, etc. But, save on the lips of a few Southern die-hards, free trade was a forgotten policy.

After the World War, with the Republicans in power, extreme protection held sway. Agriculture accepted any tariffs on farm products—although still grumbling about industrial tariffs—and the South found its former solid free trade front broken by districts with a stake in tariffs on products of farm and factory. In the campaign of 1928 the tariff positions of the two major parties were scarcely distinguishable. But popular revulsion from the indiscriminate protectionism of the act of 1930, together with leadership by Cordell Hull—old-fashioned Southern tariff-liberal—again turned the country toward tariff reduction in a reciprocal trade agreement⁷⁷ policy (act of 1934) which, while far from free trade in its scope, is free trade in its doctrine.

[F. W. Taussig, *The Tariff History of the United States*, 8th ed.; Percy Ashley, *Modern Tariff History*.]

FRANK A. SOUTHARD, JR.

Free Trappers were fur hunters who worked on their own account rather than for fur companies. The fur they obtained was usually disposed of at a trading post or trappers' rendezvous⁷⁸. They usually sold for goods such as they and their Indian wives needed. Bold and adventurous, extravagant and vain, they were the most colorful figures in a picturesque period of American history.

[H. M. Chittenden, *History of American Fur Trade of Far West*.]

CARL L. CANNON

Freedman's Savings Bank, for Negroes, was incorporated under the Freedman's Bank Act passed by Congress, March 3, 1865. Headquarters were established in the District of Columbia and branches in various states. The bank secured many Negro depositors, but it was mismanaged and eventually closed its doors, June 29, 1874.

[Walter Fleming, *The Freedman's Savings Banks*.]

HALLIE FARMER

Freedmen, THE, were the 4,000,000 Negroes⁷⁹ released from slavery by the Civil War. Unprepared for their new status, they abandoned the plantations for the supposed benefits of the towns and Union camps. Alarmed at the resulting demoralization, the Southern whites tried to discipline the freedmen by the Black Codes⁸⁰ of 1865-66. These laws, although conferring certain civil rights, were primarily designed to place the blacks in a distinct caste with definite occupational and social restrictions. Resentment against the Black Codes and other alleged oppressions

led Congress to adopt a program of radical relief. The Freedmen's Bureau⁸¹, created in 1865, relieved much physical distress and established schools and equitable labor contracts, but its gestures in the direction of land allotments were generally abortive. Congress' main remedy was narrowly political. It was universal suffrage enforced by the presence in the South of Northern soldiers and carpetbaggers⁸². In 1868 some 700,000 Negro voters gave warrant for state constitutions and laws which established their political equality. In five states there were Negro majorities. In the ensuing period of Radical Reconstruction⁸³ two Negroes were in the United States Senate, thirteen in the House of Representatives, and many in state offices below the rank of governor. The inexperience of the new electorate was reflected in many acts of extravagance and maladministration. But generally the freedmen were not vindictive and made no effective attempts to destroy white dominance in economic and social matters.

The Southern whites, bitterly resentful of the freedmen in politics, anxiously awaited opportunity for relief. This came with the withdrawal of Federal troops in the 1870's. Immediately Negro suffrage⁸⁴ and the governments based on that principle were abolished and the freedmen were deprived of many social and economic liberties. But in the meantime they had won privileges not taken into account by those who struggled over the suffrage question. They gained control of their own religious life. Without winning ownership of the land, they forced the abolition of Negro quarters and the plantation system of gang labor, and the establishment of separate farms and homes. They gradually became literate by taking advantage of the increasing number of schools provided for them; and, within the intensifying bonds of caste, they developed a social life imitative but independent of white models.

[W. L. Fleming, *The Sequel of Appomattox*; W. E. B. DuBois, *Black Reconstruction*.]

FRANCIS B. SIMKINS

Freedmen's Bureau was a Federal agency created by an act of Congress passed March 3, 1865, and granted very wide powers by a second act passed in 1866 over the veto of President Johnson. The purpose of the bureau was to aid the former slaves in adjusting themselves to a life of freedom. It furnished food and clothing to needy Negroes and aided them to find employment. It provided homesteads on public lands and supervised labor contracts to insure justice to the ignorant slaves. It established hospitals

and schools for the freedmen⁹⁹ and protected their civil rights in unfriendly Southern communities.

The bureau operated under the War Department and maintained an elaborate organization in every Southern state. Gen. Oliver O. Howard served as commissioner, by presidential appointment, throughout the life of the bureau. He divided the South into ten districts with an assistant commissioner in charge of each. To carry out the manifold duties assigned to the bureau a large number of other officers were used in each division.

From the beginning the bureau was subjected to severe criticism. Democrats in Congress charged that it was unconstitutional and unnecessary. It was accused of engaging in politics in the interests of the Republican party. Its financial affairs were badly managed at times and some of its agents misappropriated funds. Much criticism came from the South where the bureau was accused of fomenting race hatred and advancing the Negro at the expense of the rights of the white population.

It was originally proposed to discontinue the bureau June 16, 1868, but by various acts of Congress it was continued until June 30, 1872, although many of its duties were abolished or transferred to other government agencies before that time (*see Reconstruction*).

[Paul S. Peirce, *The Freedman's Bureau, A Chapter in Reconstruction*.]

HALLIE FARMER

Freedom in the 17th century American colonies meant the freedom of religious worship. In order to maintain this freedom, the Puritans⁹⁹ found it necessary to exclude not only from communion but also from civil rights all persons who could not give evidence of that peculiar transformation of the spirit which would entitle them to membership in their churches. Dissent from the teachings of the established churches in Massachusetts led to the banishment of Roger Williams while the Quakers⁹⁹ were forbidden to enter the colony. It was not religious toleration⁹⁹ but freedom for their own forms of worship which was demanded by the men of Plymouth and Massachusetts Bay⁹⁹. Religious toleration, it was believed, "firmly provides free stabling and litter for all kinds of consciences, be they ever so dirty or Jewish."

A century later freedom was identified with the exercise of fundamental civil rights. The freedom of speech and of the press were vindicated and the protection of the English law of libel⁹⁹ was obtained. The writ of habeas corpus⁹⁹ was assumed to be a part of common law⁹⁹ and

was included in colonial court procedure. Popular assemblies⁹⁹ sought to balance the enormous preponderance in favor of the prerogative by asserting rights set forth in charters. From the appeal of their rights as Englishmen⁹⁹ the colonists moved forward after 1763 to assert freedom as a part of their natural rights⁹⁹.

The 19th-century conception of freedom has commonly been linked up with the abolition of slavery⁹⁹. The emancipation of the slaves is more spectacular but not more important than the growth of associations for collective bargaining⁹⁹. Trade unionism⁹⁹ was at the outset viewed as a form of conspiracy which was to be repressed by the criminal laws. Following the Civil War, the labor movement in America assumed a degree of turbulence which did not subside until the formation in 1886 of the American Federation of Labor⁹⁹. Under wise and temperate guidance labor⁹⁹ gained the right to organize for collective bargaining. The freedom which organized labor demanded was from restrictions by the courts, especially those arising from the use of the injunction⁹⁹. In our own day the right to organize for collective bargaining has been described as a fundamental right.

The modern period has witnessed a growth of democracy which coincides with a decline in individualism. Freedom in the political and economic sense of the term can no longer be identified with laissez-faire⁹⁹ principles but must find its meaning in a larger collectivist philosophy.

[C. E. Merriam, *History of American Political Theories, and American Political Ideas*.]

WILLIAM S. CARPENTER

Freedom of Speech is guaranteed against interference by Congress in the Federal Constitution (First Amendment) and is supplemented by state constitutional provisions imposing similar restrictions upon state legislatures. The right is intended to be exercised in subordination to common law⁹⁹ and statutory rules applying to defamation, and may not be asserted where the effect is to instigate some mischievous act.

The struggle for the freedom of discussion had long been in progress when the English colonies in America were founded. But neither in England nor America in the 17th century was freedom of speech a legal right. The authorities moved to stamp out heresy in the church and sedition in the state as a matter of necessity for the preservation of order. The banishment of Roger Williams, the treatment of Dr. Childs, and the Antinomian controversy⁹⁹ were incidents in the struggle for freedom of thought and action.

Freedom of speech was held in high regard af-

ter the formation of the Constitution, but nobody had a very clear idea of its meaning. It was not until the Sedition Act⁷ of 1798 made the limits of freedom of speech and of the press a concrete and burning issue that the problem became defined. This law, which made any utterance blaming the Government and its officials an offense punishable by fine and imprisonment, was bitterly denounced. The real issue in 1798, as in every free-speech controversy, was whether the state can punish words which have only an indirect tendency to bring about acts in violation of law, or only words which directly incite to unlawful acts. A limited power to punish utterances rarely satisfies the zealous in time of war or other great excitement.

The problem of the limits imposed upon freedom of speech became acute in the United States at the time of the World War. The Espionage Act⁸ forbade, under severe penalties, the utterance in time of war of "any disloyal, profane, scurrilous, or abusive language about the form of government, or the Constitution, or the military or naval forces, or the flag, or the uniform." A large number of successful prosecutions were undertaken during the war and the return of peace was followed by the enactment in the states of laws punishing the advocacy of extreme radicalism. The Espionage Act was given a broad interpretation by the Supreme Court and convictions were sustained where no immediate danger was proved. The opinion has been widely held that the act, as it was enforced, violates the freedom of speech and of the press guaranteed by the First Amendment.

[Zechariah Chafee, Jr., *Freedom of Speech*.]

WILLIAM S. CARPENTER

Freedom of the Press has been linked with freedom of speech⁹ as a right safeguarded by constitutional guarantees against interference by the Government. The introduction of the printing press in colonial Massachusetts was followed by governmental supervision and in 1662 by restrictive censorship of the press. In other colonies, especially in New York and Pennsylvania, the censorship was maintained at different times. The lax enforcement of the censorship in Massachusetts at times contrasted sharply with occasions upon which the council suppressed summarily any printed matter that displeased it. The censorship of the press perished in Massachusetts before 1720. The power had rested upon the prerogative transmitted to the governor through his instructions. When the king's prerogative had been modified by the development of parliamentary control, the censorship in its

older form could be maintained neither in England nor in the colonies.

The most famous colonial case involving freedom of the press was that of Peter Zenger¹⁰, who was tried for libel in New York in 1734. The acquittal of Zenger through the skill of his lawyer, Andrew Hamilton, was heralded as a vindication "of the rights of mankind and the liberty of the press." Actually the decision did not secure freedom of the press even in New York, although it helped to develop public opinion toward that end.

In 1774 the Continental Congress¹¹, in an address to the inhabitants of Quebec, declared that among the invaluable rights of the English colonists was the freedom of the press. "The importance of this consists," recited the address, "besides the advancement of truth, science, morality and arts in general, in its diffusion of liberal sentiment on the administration of government, its ready communication of thoughts between subjects, and its consequential promotion of union among them, whereby oppressive officials are shamed or intimidated into more honorable and just modes of conducting affairs." Throughout the subsequent history of this country, freedom of the press has meant above all the right of fair comment and criticism of the acts of government.

The enthusiasm for the security of the rights of the individual, which reached its highest point during the Revolution, carried safeguards for a free press into the constitutions of the states and the nation. At the same time, it was conceded "that the common law rules which subjected the libeler to responsibility for the private injury, or the public scandal or disorder occasioned by his conduct, are not abolished by the protection extended to the press in our constitutions." The constitutional liberty of the press therefore implies a right freely to publish whatever the citizen may please and to be immune from legal censure and punishment for the publication, so long as it is not harmful in its character when tested by such standards as may be afforded by the rules of common law¹² in force when the constitutional guarantees were established. The protection of freedom of speech and of the press guaranteed in the First Amendment is now reinforced by judicial interpretation of the Fourteenth Amendment to the Constitution¹³.

The Supreme Court in 1931 held unconstitutional a Minnesota statute which authorized the suppression by injunction of any malicious or defamatory publication as a public nuisance. At the same time, a California act declaring it

to be a crime to display a red flag as a symbol of opposition to organized government was held to be unconstitutional. In both cases the decisions asserted that rights guaranteed under the Fourteenth Amendment had been violated.

The effect of these and other decisions has been to enlarge the meaning of liberty under the Fourteenth Amendment to embrace not only freedom from physical restraint but also to include freedom of speech and of the press. The extension of this doctrine will nationalize responsibility for the protection of private rights. State courts will no longer be able to construe the bills of rights⁷⁷ in state constitutions to grant or refuse a free press. It is the construction of the guarantees under the Fourteenth Amendment that will establish throughout the United States uniform freedom for the press.

The truth is that freedom of the press is a policy rather than a principle, and it varies widely with changes in public opinion. Constitutional guarantees are not sufficiently definite to prevent the reflection of this variation in judicial opinion. Congress has imposed more severe restraints upon the freedom of the press in time of war than in time of peace. But the restrictions during wartime may become the normal limitations in peace if they receive sufficient support from public opinion.

[W. G. Hale, *The Law of the Press.*]

WILLIAM S. CARPENTER

Freedom of the Seas. This expression is based on the principle of the Roman law that the sea, like the air, is free to all. It was employed in the 16th century to challenge the exclusive rights on the high seas granted by the Papacy to Spain and Portugal. Later it was invoked against the attempts of the colonizing nations to monopolize trade with their colonies. In so far as the American Revolution was a revolt against the Navigation Acts⁷⁸, it was a war for freedom of the seas. The term applies to the activities of the American Government against the Barbary pirates⁷⁹. It was the basis of the American claim to fishing rights off Newfoundland (*see Fisheries, The*). In its name the United States has co-operated with other nations to secure limitation of territorial waters⁸⁰ and the free navigation of inland seas, straits and international rivers.

From its earliest days the United States has used the term in the sense of the widest possible extension of neutral trade. It has made the words cover restrictions on the right of search, limitation of contraband to munitions of war, the principles that free ships make free goods, and that a blockade to be binding must be effective,

and also the abolition of capture at sea of private property not contraband⁸¹. It fought the War of 1812 against England's interpretation of the right of search. The American Government has not invariably defended freedom of the seas in the sense of restricting the rights of belligerents⁸². The most notable departure was during the Civil War when it extended existing practice of blockade and seizure of goods destined for the enemy (*see Civil War and Freedom of the Seas*). When in the early years of the World War it protested against breaches of its rights as a neutral, Great Britain responded with references to these acts. After it entered the war the American Government went farther than its allies in employing embargoes, but in the exercise of search adhered to the limitations which as a neutral it had defended.

When President Wilson made Freedom of the Seas one of his fourteen points⁸³ in 1918, he defined it as "Absolute Freedom of Navigation upon the Seas outside territorial waters, alike in Peace and in War, except as the seas may be closed in whole or in part by international action for the enforcement of international covenants." Great Britain and France reserved the right to interpret the point and it was not discussed at the Peace Conference⁸⁴.

The Wilson doctrine has been revived since the war by believers in collective security who think that the old system of neutrality⁸⁵ is gone forever. This theory has been opposed by those who hold that if firmly defended neutral rights would have been respected in the World War. To them the way toward freedom of the seas lies in a continuance of the American policy of defending the rights so painfully added to maritime law and in efforts to extend them by international agreement.

[L. F. Brown, *The Freedom of the Seas.*]

LOUISE FARGO BROWN

Freeholder. Tenure of land "in free and common socage" became the prevailing system in the colonies and with endless acreage available for settlement feudal⁸⁶ survivals were greatly modified and eventually disappeared with the establishment of independence. The colonial laws, however, influenced by the county franchise system of England, attached great importance to the possession of a freehold both for suffrage and officeholding. Seven colonies restricted the suffrage⁸⁷ to freeholders, the others permitting persons owning other forms of property of sufficient extent to vote. Statutes defined the minimum freehold for town or rural residents. The democratic forces released by the

Revolution were soon directed against such restrictions on "the right to vote," and while the freeholder retained his privileged position in a few states until the Jacksonian era, universal suffrage became dominant in American politics.

[A. E. McKinley, *The Suffrage Franchise in the Thirteen English Colonies in America*; K. H. Porter, *A History of Suffrage in the United States*.]

W. A. ROBINSON

Freeman's Expedition was organized by President Jefferson's orders in 1805 to explore the Red River of Louisiana and Texas. With a party of twenty-five, and three boats, Freeman left Fort Adams^{re} at the mouth of Red River, in April, 1806. Forty-five miles above Natchitoches^{re} the last white settlement was left behind. At a point 635 miles from the mouth of the Red they were turned back by a Spanish military party, having added little to American knowledge of the new Louisiana purchase^{re}.

[W. J. Ghent, *Early Far West*.]

CARL L. CANNON

Freeman's Farm, First Battle of (Sept. 19, 1777); also known as First Battle of Bemis Heights, or Stillwater. On the morning of Sept. 19, Gen. John Burgoyne started his army south in three columns against Gen. Horatio Gates, intrenched on Bemis Heights, scarcely four miles distant (*see* Burgoyne's Invasion). At Freeman's Farm, over a mile from Gates' headquarters, the English right and center columns encountered troops under Colonels Daniel Morgan and Henry Dearborn. Here fighting centered. Throughout the day Americans dribbled into the firing line, failing to co-ordinate their efforts. Like true frontiersmen they took advantage of woods and gullies and employed their marksmanship to distinct advantage. The British used volleys and salvos with little effect; they succeeded better with spirited charges and the use of sword and bayonet. During the late afternoon re-enforcements from the left enabled the Americans to hold firm. With darkness, firing ceased. The field of battle was left in the hands of the British, who had lost 600 "killed, wounded, or taken." American casualties were little over half the same number. Burgoyne had been thwarted in opening a way to Albany; the Americans began to feel that they could cope with the best British soldiers in close fighting on difficult terrain.

[Hoffman Nickerson, *The Turning Point of the Revolution*.]

JAMES RIPLEY JACOBS

Freeman's Farm, Second Battle of (Oct. 7, 1777); also known as Second Battle of Bemis Heights, or Stillwater. With winter approaching

and rations diminishing, Gen. Burgoyne was under the necessity of retreating or joining his forces with those of Sir Henry Clinton on the lower Hudson (*see* Highlands, The). During the morning of Oct. 7, Burgoyne sent out 1500 troops to reconnoiter Gates' position at Bemis Heights. By 2:30 P.M. they had reached the American left and were hotly engaged with troops that Gates had despatched to meet them. Suffering more than 400 casualties in less than an hour, the British began to fall back. Benedict Arnold, without orders, assumed a command, and pursued the enemy to their intrenched camp. Under his dynamic leadership the attack successfully continued to the late afternoon. Then he was wounded, and, almost simultaneously, recalled. Fighting ceased as darkness fell. Burgoyne had inflicted slight losses and had failed; his escape lay only in retreat. (*See* Burgoyne's Invasion)

[Hoffman Nickerson, *The Turning Point of the Revolution*.]

JAMES RIPLEY JACOBS

Freeman's Journal was a newspaper started by Francis Bailey in Philadelphia, April 25, 1781, "open to all parties but influenced by none." Filled with invective and abuse, it was a decided change from staid earlier journalism. Aligning itself with the Constitutionalist party, it invited opposition and the whole journalistic outlook was changed. It ceased publication May 16, 1792.

AUGUSTUS H. SHEARER

Freemen. Throughout the colonial period this term was commonly used to mean freeholders^{re}, possessors of land in fee simple, and was so defined in the laws of Pennsylvania and other colonies. This class alone in the majority of the colonies had the right to participate in the government of the colony and to vote for members of the colonial assemblies^{re}. In some communities admission by the magistrates to the freedom was necessary in addition to ownership of land. In Massachusetts and some of the other New England colonies religious qualifications or guaranty of good conduct were required (*see* Massachusetts Bay, Franchise in). Only in the chartered cities of New York and Albany in the colony of New York did the term freeman have economic significance. The charters of these two cities forbade any merchant to do business or any craftsman ply his trade without admission to the freedom by the magistrates and payment of the required fees.

[C. M. Andrews, *Colonial Period of American History*; A. E. McKinley, *Suffrage Franchise in the Thirteen English Colonies*.]

A. C. FLICK

Freeport Doctrine. THE, was Douglas' doctrine that in spite of the Dred Scott decision⁹⁹ slavery could be excluded from territories of the United States by unfriendly local legislation. Although propounded earlier and in other places, this solution of the apparent inconsistency between "popular sovereignty"⁹⁹ and the Dred Scott decision came to be known as the Freeport doctrine because Douglas advanced it in answer to a question by Lincoln in the Freeport debate. By it Douglas was able to hold his Illinois followers and secure re-election to the Senate, but the extensive publicity it received killed his chance of Southern support for the Presidency in 1860.

[E. E. Sparks, ed., *The Lincoln-Douglas Debates of 1858.*]

PAUL M. ANGLE

Freethinking. The mild religious rationalism of the American Revolution became more radical with publication of Ethan Allen's *Reason the Only Oracle of Man* (1784), attacking miraculous revelation and Biblical infallibility, and advocating a natural religion premised on man's moral freedom. Deistic principles spread rapidly (see Deism). Thomas Paine's *Age of Reason* appeared (1794-96). The militant blind Elihu Palmer founded Deist societies in Philadelphia and New York. In Newburgh a Masonic lodge was transformed (1799) into the Deistic Ancient Order of Druids. In Kentucky a vigorous Deism held sway.

But a reaction had set in by 1800. Timothy Dwight and other church leaders linked the Deistic societies with the Bavarian Illuminati and the French Revolutionary Cult of Reason. Thomas Paine found himself unpopular after his return to America. The Great Revival⁹⁹ reduced freethinkers to a respectable minority of Unitarians and Universalists⁹⁹ who reconciled their religious views to traditional Christianity.

The next important phase of American freethinking was ushered in dramatically by the blasphemy trial (1834-38) of Abner Kneeland, former Universalist and founder of the first Society of Free-Enquirers in Boston (1831). The brilliant Transcendentalism⁹⁹ of William Ellery Channing, Ralph Waldo Emerson and Theodore Parker in the 1830's and 1840's proclaimed the divinity of man and his kinship to nature and God. This pantheistic "tempest in a Boston teapot," limited largely to Unitarian circles, suffered a more striking eclipse than Deism, although its humanitarianism⁹⁹ triumphed.

Evolutionary views spread rapidly in the United States after the Civil War, causing a "war" of science and religion, while Robert In-

gersoll, the "great agnostic," won respectability for the views of Huxley; Henry Ward Beecher's theological latitude and tolerance infused a more liberal spirit into American Christianity, and "higher criticism" began to apply scientific inquiry to the authority of the Bible. In general, however, the only departure from traditional Christianity was the gradual change from Calvinism to social Christianity. American pragmatism asserted itself through the psychology of religion, sociology and anthropology, and mild freethinking developed within rather than outside established religion. The extent of the change was dramatically revealed after the World War by the fiasco of the Scopes Trial⁹⁹. While traditional Christianity maintained its hold on the mass of the population, and the growth of new millenarian sects evidenced a continuing appeal of Christian supernaturalism, freethinking had spread widely among the intellectual classes by the 1930's.

[G. A. Koch, *Republican Religion*; J. M. Robertson, *History of Free Thought in the Nineteenth Century*; I. W. Riley, *American Thought from Puritanism to Pragmatism.*]

HAROLD E. DAVIS

Freight—whether one considers the means of transportation, kinds, cost, or the economic and social results—furnishes an excellent barometer of business and gives point to Kipling's statement that "transportation is civilization."

During our early history, freight between Europe and America was carried on slow, cumbersome sailing vessels, some of which were very small and others of more than a thousand tons displacement. On eastern American rivers and along the coast, transatlantic ships were employed; on small streams, canoes were commonly used. Overland, burdens, supported by tumpkins, were first carried on men's backs; later, they were transferred to the backs of animals, and then to carts and punks. With the coming of stagecoaches, most inland freight was carried therein; later, it was transported in small wagons and then in large Conestoga wagons or prairie schooners⁹⁹.

The application of steam power to transportation meant the use of steamboats and the railroad⁹⁹. Early trains carried little freight, revenue depending on passenger traffic. By 1843, the total traffic of the Boston and Albany Railroad exceeded that on all American canals and rivers. When freight became an important factor on railroads it was shipped at night. Now, hundreds of thousands of cars are loaded weekly on American railroads. For special kinds of freight, there have been developed the refrigerator, coal, stock, oil and compartment cars. With the coming of

automobiles⁷⁷ and trucks, freight in enormous quantities has been carried on long- and short-distance hauls. Special trucks for the hauling of furniture, race horses, milk, concrete, automobiles, etc., are available. With the recent introduction of airplanes⁷⁸, shipments of freight, when time is important, have been made through the air.

The kind of freight has varied with the period and the speed of transportation media. For the first two and one-half centuries of our history, perishable goods could not be successfully carried anywhere. Staples—indigo, rice, lumber, tobacco, salted fish and furs—constituted the major portion of eastward cargoes, while America-bound ships brought limited quantities of cloth, hats, etc. Early land freight consisted of the barest necessities—lead, powder and salt going to the interior, while from the frontier came cured meat, ginseng and iron. With the introduction of Conestogas, more bulky freight was carried. Loads of butter, salted meat and flour were brought eastward, while the increasing demands of frontiersmen were met on westward journeys. To Santa Fé⁷⁹ were carried many yards of calico and other goods which were sold at enormous profits. When freight came to be carried on steamboats and trains, any desired article, however heavy or bulky, could be advantageously transported to distant points. The use of modern trucks has made possible the hauling of very heavy and bulky materials. Increased speeds and refrigeration⁸⁰ have made possible the shipping of sea-foods, vegetables, fruit and dairy products thousands of miles, with little or no deterioration.

The cost of transporting freight has steadily declined. For the then moderate charge of \$9 per ton, goods could be brought from Europe to colonial America. But, on land, the same payment would be sufficient to convey freight only thirty miles over one of the better roads. In 1807, the cost of transporting 100 barrels of flour from Columbia, Pa., to Philadelphia was \$125. Ten years later, the charge was \$100 per ton to "wagon" goods from Buffalo to Albany. Flour at Fort Meigs in northwestern Ohio cost the United States Government \$100 per barrel, while cannon, which had cost \$400 on the coast, cost from \$1500 to \$2000 on Middle Western lakes. After the Erie Canal⁸¹ was completed, the freight rate from New York to Buffalo dropped from \$120 to \$20 and then to \$6, per ton. Now (1939) the railroad rate from California to New York is about \$18 per ton on lumber, \$25 on dried fruit; the rate through the Panama Canal⁸² is \$6.80 and \$11, respectively. Railroad rates are

usually about \$1 per hundred for 300 miles; trucking costs are less by 10%.

As transportation facilities have been improved, the speed has greatly increased. The time from Europe to colonial America could scarcely be less than two or three months. Transportation—on foot, with a heavy pack, or with pack-animals, slow-moving carts or Conestogas, or on canal boats—usually did not exceed two or three miles per hour. Early steamboats traveled about five miles per hour, while steam trains, beginning with ten miles per hour, gradually advanced to sixty or seventy miles when carrying perishable products. Modern freight steamers can travel twenty or more miles per hour. Freight trucks speed over highways at forty or fifty miles per hour, while freight in airplanes is carried at speeds well over 100 miles per hour.

The economic and social results of freight increases are important and far-reaching. The shipping of freight involves the labor, directly and indirectly, of millions of men and women. Cheap transportation of raw materials⁸³ to industrial centers makes possible the concentration of manufacturing in areas where the labor supply is adequate and the climate salubrious. The finished products can be quickly and economically rushed to the ultimate users. Perishable products, such as fruit, vegetables, oysters and fresh fish, are made available to consumers in every part of the world. The social results of enormous increases in freight are the direct outgrowth of economic factors. The concentration of workers in cities often leads to unwholesome living conditions. Due to improved methods of transportation, freight of all kinds can be quickly taken to suburban sections where more desirable living conditions are available. Obviously, city people are dependent upon rural dwellers for food-stuffs, while farmers buy many products prepared by workers in city factories. Increasingly, as novel products from afar become necessities, our dependence upon faraway neighbors develops. As our desire for foreign products grows, we either appropriate the territory from which goods come or make agreements to exchange raw materials desired by the nations concerned.

[*Senate Document No. 116*, 73rd Congress, 2nd Session; C. B. Swaney, *The Development of Transportation and Communication in the United States*, manuscript.]

CHARLES B. SWANEY

Freighters of the Overland Trails. See Overland Freightling.

Frémont Explorations. John Charles Frémont led five expeditions into the Far West. In the

first, June to October, 1842, he crossed the plains and mountains to southern Wyoming and ascended Frémont's Peak. His most important expedition began in May, 1843, and ended in July, 1844. In this he explored the region immediately north of the Great Salt Lake, the Snake and Columbia river valleys, the Klamath Lake country, eastern Nevada, through Kit Carson Pass to Sutter's Fort, and returned east by way of the San Joaquin Valley and the Old Spanish trail. In July, 1845, crossing again to California, he ascended Sacramento Valley to Oregon and returned by way of that same valley to California where the last official expedition was terminated when Frémont became involved in the conquest, June, 1846 (*see* California, The Conquest of; Bear Flag Revolt). His fourth and fifth expeditions (October, 1848, to February, 1849; and September, 1853, to February, 1854) were organized to explore a route for a railroad across the Rockies in the vicinity of 37° and 38° N. Lat. They were privately financed, added nothing to Frémont's fame, and contributed no practical information for prospective railroads to the Pacific.

[F. S. Dellenbaugh, *Frémont and '49*, John Charles Frémont, *Memoirs of My Life*, Cardinal Goodwin, John Charles Frémont, Allan Nevins, *Frémont*.]

CARDINAL GOODWIN

French Alliance. *See* Franco-American Alliance of 1778.

French and Indian War, THE, extending from 1754 to 1763, was the final struggle between the French government, and its colonies in America, and the English government and its colonies in America for imperialistic control of the North American continent. In its broader aspect, it was the result of the clash of French and English colonial frontiers. As such, it was a part of and was overshadowed by the Seven Years' War which embroiled Europe from 1756 to 1763. In its narrower aspect, however, it was the result of the rivalry of French and English colonists in North America.

The English settlements were confined to the region along the Atlantic seaboard from Maine to Florida, and to the west as far as the Appalachian Mountains, although some of the English colonies by their charters had claims to lands west of the mountains. The French settlements, developing from fur-trading posts, extended from the mouth of the St. Lawrence River up its course to the Great Lakes, with tentacles reaching southward to Lake Champlain; along the Great Lakes; and to the south-

ward along the Mississippi River to St. Louis and New Orleans (*see* French Frontier Forts). Thus, the French by a so-called encirclement plan hoped and threatened to restrict English settlements to the relatively small area east of the mountains. From 1689 to 1748, throughout three previous wars, both the French and the English colonists struggled for control of the lucrative fur trade⁹⁹ of the hinterland and for the land itself, primarily for speculative purposes because, as yet, there was an insufficient number of settlers to occupy the land. Furthermore, a rivalry between the French and English colonists along the Atlantic seaboard for fishing privileges off the Grand Banks of Newfoundland engendered animosities which contributed to the outbreak of the French and Indian War.

Both the French and English colonists attempted to project their control into the Ohio region in the period from 1748 to 1753 by means of peaceful penetration (*see* French Claims in Ohio). A group of Virginia planters formed the Ohio Company⁹⁹ for the purpose of fur trading and land settlement in the West, procured a grant of a half million acres south of and along the Ohio River, May 19, 1749, and sent Christopher Gist⁹⁹ to explore the country in 1750. In 1749 Céloron de Bienville, for the French, made a journey by way of Lake Erie, the Allegheny River, the Ohio, the Miami and the Maumee, from whence he returned to Quebec by way of the Great Lakes. Céloron's⁹⁹ task had been to plant leaden plates proclaiming French control of the region and to urge English fur traders to leave the region.

The French in 1753 began the construction of a chain of forts from Presque Isle, along the Allegheny River, to the Forks of the Ohio⁹⁹, thus invading territory claimed by the colony of Virginia under the charter of 1609. Gov. Dinwiddie of Virginia, alarmed by the actions of the French, sent George Washington in November of 1753 to warn the French (*see* LeBœuf, Fort, Washington's Mission to) that they were advancing on English soil, and to make observations upon a suitable site for a fort. The following year Washington was authorized to construct a fort at the Forks of the Ohio (Pittsburgh), but was unsuccessful because of the earlier and more aggressive efforts of the French who, in that year, completed the line of forts from Presque Isle to LeBœuf to Venango and Duquesne⁹⁹. The French even forced Washington to capitulate at Great Meadows⁹⁹ and return with his forces to Virginia.

The following year, 1755, Gen. Edward Braddock⁹⁹ cut his way from Virginia along the wil-

derness trails to the Monongahela River only to be surprised and badly defeated by the French whom he had expected to oust from Fort Duquesne. The French were thus left in control of forts extending from Lake Champlain to Lake Erie and to the Forks of the Ohio. The English activities were unsuccessful until after the reorganization of the English army by Lord Pitt.

In 1758 Lord Pitt projected a plan of war which included expeditions against the French at many points. Gen. John Forbes⁹⁰, marching across Pennsylvania, was ordered to reduce Fort Duquesne. Generals James Abercrombie and Lord Howe were to attack in the Lake Champlain⁹¹ region. Gen. Jeffry Amherst was expected to destroy the French fort at Lousburg⁹², which fell July 26, 1758. The French fort, Frontenac⁹³, fell Aug. 27, 1758, thus breaking the French line of communication with the Ohio region. Fort Duquesne was abandoned and burned by the French prior to the arrival of Forbes' advance guard on Nov. 25, 1758. The following year an attack was made on Quebec⁹⁴, the capital of the fast crumbling French empire in North America. Gen. James Wolfe, scaling the Heights of Abraham⁹⁵, defeated the French under the Marquis de Montcalm, Sept. 13, 1759, and four days later Quebec was formally surrendered to the British. Montreal⁹⁶ was surrendered Sept. 7, 1760. The French and Indian War was over and only the division of the French territory remained for treatment in the Treaty of Paris, 1763⁹⁷. (See also Fontainebleau, Treaty of.)

[Reuben Gold Thwaites, *France in America*.]

R. J. FERGUSON

French Army, March of Rochambeau's. A French force of 6000 under Count Rochambeau was landed at Newport, R. I., July 10, 1780, for the aid of the American colonists. It was considered a part of the American Army, and Rochambeau was under Washington's command. The French squadron which had brought it was blockaded in Narragansett Bay by a British fleet, and Rochambeau's men lay idle in Rhode Island for a year (see Newport, French Army at). On May 22, 1781, Washington conferred with Rochambeau, and an attack on New York was agreed upon, if or when they could get the aid of DeGrasse with the French West Indian fleet. Rochambeau's troops left Rhode Island in June, and an advance legion under the Duc de Lauzun participated with Gen. Lincoln in a skirmish near the Harlem River on July 2. On the 6th Rochambeau joined Washington at Dobbs Ferry on the Hudson. Cornwallis' move to Virginia had now changed Washington's plan, and on

Aug. 19 he began his march toward Yorktown with 2000 of his own soldiers and 4000 French. As they passed through Philadelphia, the ragged Continentals and trimly uniformed French were showered with flowers and cheers. On Sept. 5-6 they reached the head of Chesapeake Bay, where most of the men took ship for Yorktown, others proceeding via Baltimore or all the way by land. (See Yorktown Campaign.)

[John Fiske, *The American Revolution*; Rupert Hughes, *George Washington*.]

ALVIN F. HARLOW

French-Canadian Immigration. Statistics pertaining to the immigration of French Canadians are incomplete and unreliable, chiefly because of lax immigration laws and loose inspection conducted along the international boundary. According to the Census Reports, French Canadians residing in the United States in 1890, 1900, 1910, 1920 and 1930 were 302,496, 395,126, 385,083, 307,786 and 370,852, respectively, constituting roughly about one third of the total emigration from Canada to the United States. The influx of French Canadians contributed to the transformation of New England into a highly industrialized section, with its large foreign-born population employed in textile mills and in shoe factories. Moreover, a number settled on abandoned farms—a profitable undertaking in view of the cheap land and the growing industrial centers. The migratory interplay and cultural contact between New England and the French-Canadian provinces to the north are obviously products of proximity and opportunities for people who sought a higher standard of living. The history and laws of Canada explain the tenacity with which the French-Canadian immigrants and their children adhere to the Roman Catholic Church and the language and customs of their native provinces. They are relatively high in the percentages of illiteracy and relatively low in the percentages of naturalization.

[H. P. Fairchild, ed., *Immigrant Backgrounds*; B. B. Wessel, *An Ethnic Survey of Woonsocket, R. I.*]

G. M. STEPHENSON

French Claims in Ohio. On April 9, 1682, LaSalle⁹⁸ took possession of all the land drained by the Mississippi and its tributaries in the name of the King of France. Basing their claims on this act and the Treaties of Ryswick, Utrecht and Aix-la-Chapelle⁹⁹, the French placed the Alleghenies as the western boundary of the British colonies. The British contested this claim under the clause of the Treaty of Aix-la-Chapelle which gave them jurisdiction of the lands of the em-

pire of the Iroquois^{ss}, and in accordance, the crown continued to make grants of land extending westward to the Pacific Ocean.

In 1749 Céloron's expedition^{ss} explored the region along the Ohio River and buried leaden plates claiming the territory in the name of France. A grant to the Ohio Company^{ss} by the English Crown and the surveying of the territory were regarded by the French as encroachments and this challenge was answered by French forts at Presqu' Isle, LeBœuf, Venango^{ss} and down the Ohio and the Mississippi to its mouth. These posts placed the French in actual possession of the lands south of the Great Lakes, east of the Mississippi to the Alleghenies, and precipitated the war that ended in the fall of the French power in America (*see* French and Indian War).

[Frank H. Severance, *An Old Frontier of France*.]

ROBERT W. BINGHAM

French Creek, Action at (Nov. 1-2, 1813). Gen. Wilkinson, operating along the St. Lawrence River with Montreal^{ss} as his objective, ordered Gen. Jacob Brown's brigade to French Creek (Clayton), where it was attacked, Nov. 1, by a British flotilla of twelve vessels, filled with infantry. A battery of eighteen-pounders, under Capt. McPherson, at Bartlett's Point on the western shore of French Creek, repulsed the British attack, which was renewed Nov. 2. The enemy was defeated with heavy loss while the Americans lost but two killed and four wounded.

[Oliver L. Spaulding, *The United States Army in War and Peace*.]

ROBERT S. THOMAS

French Decrees, in the first period (1793-1800), were designed primarily to prevent neutrals from taking supplies to England. The Decree of 1793 ordered the capture of all provisions going to Great Britain; those of 1794 and 1796 declared that France would treat neutral vessels in the same manner that England did; that of 1797 was similar to the Decree of 1793; the Decree of 1798 ordered that neutral vessels carrying British goods would be treated as if they were British; and for one month in 1799 a decree classified neutral citizens on a British ship as pirates. The United States, as the principal neutral, was hardest hit by these decrees. Monroe's mission^{ss} to Paris obtained exemption from the first two decrees for American vessels during 1795, but the decrees after 1795 applied to the United States until the conclusion of the Franco-American Convention of 1800^{ss}. In the second period (1806-12) the purpose of new decrees was particularly to cripple British exporting and shipping. Therefore by the Berlin Decree (1806), the

Milan Decree (1807), and the Bayonne Decree (1808) France proclaimed a blockade around the British Isles and ordered the capture of all neutral vessels entering a British port, paying British duties, or submitting to British search (*see* Napoleon's Decrees). These decrees struck particularly at American commerce and led the United States to retaliate unsuccessfully with the Embargo Act (1807), the Nonintercourse Act (1809), and the Macon Bill No. 2 (1810)^{ss}. The War of 1812^{ss}, however, by interrupting all American trade with England, made the French decrees no longer applicable to the United States.

[*American State Papers, Foreign Relations*, III, 284-291; S. F. Bemis, *Diplomatic History of the United States*.]

LYNN M. CASE

French Exploration in the West (1609-1833) was actuated by a desire to extend the fur trade, to carry the gospel to the Indians, to find a route to China, and to satisfy a love for adventure. Although Spaniards were first in the South and Southwest, the French preceded the English beyond the Alleghenies, gave the French designation of *prairie* to the western grasslands and named the Rocky Mountains as well as numerous rivers, mountains and cities of the West.

No sooner had Champlain^{ss} founded Quebec in 1608 than he and his men began exploring the St. Lawrence basin. He discovered Lake Champlain in 1609 and visited both Lakes Huron and Ontario in 1615, voyaging to Huron by way of the Ottawa so that he missed Erie. His subordinate, Jean Nicolet^{ss}, discovered Lake Michigan while on his way to the Winnebagoes of the present Wisconsin in 1634. All five of the Great Lakes^{ss} are located in their correct relative positions on a French map of 1650.

Systematic exploration of the Mississippi basin began with LaSalle^{ss}, who may have descended the Ohio to the falls at the present Louisville as early as 1669. Jolliet^{ss} and Marquette voyaged in 1673 from Green Bay up Fox River and down the Wisconsin (*see* Fox-Wisconsin Waterway) to the Mississippi, descended the Mississippi to the Arkansas and came back to Lake Michigan by way of the Illinois. Exploration of the Mississippi to the Gulf was completed by LaSalle in 1682. In the north, Duluth^{ss} pushed southwest from Lake Superior and there met Father Hennepin^{ss}, who ascended the Mississippi from the Illinois in 1680.

Knowledge of the south was extended after LaSalle, attempting to bring a colony to the Mississippi by sea, landed through error at Matagorda Bay in 1684 and there built Fort St. Louis^{ss}, the first Texas settlement. After his

death, Henri Joutel, a lieutenant, led six of the colonists to Canada, exploring much of the present Texas and Arkansas en route (*see* LaSalle, Spanish Searches for). Henri Tonti, LaSalle's commander at Starved Rock^u on the Illinois, in a vain effort to find and rescue the surviving colonists, ascended the Red River from the Mississippi as far as Texas in 1690. Other exploration of the south was continued from Mobile and New Orleans after the founding of Louisiana^u in 1699.

The westward march across the Great Plains^u commenced in 1713 when St. Denis^u traveled from Natchitoches on Red River to San Juan on the Rio Grande in an unsuccessful effort to trade with Mexico. Four years later Gov. Bienville of Louisiana sent two expeditions to the Prairies. One under Bernard de la Harpe advanced from Natchitoches up the Red River almost to the Wichita Mountains, turned northeast to the Arkansas and followed it back to the Mississippi. The other, led by Claude Charles du Tisne, traveled from Kaskaskia^u up the Missouri and cross country from the Osage village to the Wichita village on the Arkansas. Bourgmont^u and other *coureurs de bois*^u became familiar with the Missouri River and the Missouri tribes as far north as the Platte during the dozen years he was a fugitive from punishment for desertion in 1706 from his military command at Detroit^u. His crime being condoned, he was reinstated in the army and he built Fort Orleans^u on the Missouri in 1723, whence he led an expedition to the Comanches^u in the Smoky Hill Valley of the present Kansas in 1724.

The first known Frenchmen to complete the crossing of the Great Plains to the Rockies were Pierre and Paul Mallet^u, who journeyed from the Missouri at the mouth of the Platte to Santa Fé^u in 1739 and returned down the Arkansas to the Mississippi the following year. They guided Fabry de Bruyere up the Canadian River in the present Oklahoma in an attempt to reach Santa Fé in 1742; but, owing to the incompetence of the commander, the expedition failed. First to arrive at the Rockies in the north were two sons of La Vérendrye^u. The father and two sons left their trading posts on the Manitoba Lakes in 1739 and blazed a trail to the Mandan village on the Missouri in the present North Dakota. Three years later the two sons passed the Big Horn Range to the Rockies.

Other traders and trappers, many of them unknown, threaded their way up every important stream of the Mississippi basin. They knew the West so well that they guided the Lewis and Clark Expedition^u beyond the Yellowstone in

1803; and, even west of the Rockies, George Droulliard of St. Louis was invaluable to the expedition because of his skill in sign language^u and in hunting. Descendants of French pioneers continued to take an important part in the fur trade and exploration west of the Rockies until the beaver market collapsed in 1833.

[H. M. Chittenden, *The American Fur Trade of the Far West*, Charles Gayarré, *Histoire de la Louisiane*; Louise P. Kellogg, *Early Narratives of the Northwest*, and *The French Régime in Wisconsin and the Northwest*; Pierre Margry, *Découvertes et Etablissements des Français dans l'Amérique*; Francis Parkman, *LaSalle and the Discovery of the Great West*, *Pioneers of France in the New World* and *The Jesuits in North America*; Francis Borgia Steck, *The Jolliet-Marquette Expedition*, R. G. Thwaites, *France in America*; and *The Original Journals of the Lewis and Clark Expedition*.]

BLESS ISELY

French Fleet in American Revolution, Aid of.

Immediately upon the signing of the French alliance^u with the United States in 1778, D'Estaing sailed from Toulon with twelve ships of the line and five frigates. Had he arrived in the Delaware ten days earlier, he would have caught the British divided between New York and Philadelphia. As it was he threatened New York, attacked Newport without success, and finally anchored in Boston. For the next two years the British were little hampered by French fleets, and were able to despatch expeditions to the South and to beat off D'Estaing's attack on Savannah^u. Only Newport^u was abandoned to the French.

In 1781, when the French and American troops moved south to Yorktown^u, DeGrasse brought his powerful fleet from the West Indies to the Chesapeake Capes^u, and by driving off the ships which attempted to relieve Cornwallis, he enabled Washington and Rochambeau to force the British to surrender. At Yorktown the French forces on land and sea outnumbered the Americans.

Indirect aid consisted in fighting such actions as Ushant in 1778, by which the British were obliged to keep large forces in the English Channel, in affording protection to American privateers^u and in so dispersing the ships of the British navy that vessels with war supplies could reach American ports from Europe directly or by way of the Dutch West Indian island of St. Eustatius. In these ways, as well as by such direct attacks as DeGrasse's, French fleets played a vital role in American independence.

[A. T. Mahan, *The Major Operations of the Navies in the War of American Independence*.]

WALTER B. NORRIS

French Frontier Forts. Side by side with the development of New France^u went the founding

of English colonies on the Atlantic coastal plain, but while these were hemmed in by the Allegheny Mountains the French found easy access to the heart of the continent. Following the reorganization of New France by Louis XIV, a host of brilliant adventurers (e.g. Jolliet, LaSalle, Cadillac, Iberville) overran the Great Lakes and the Mississippi Valley^{qq}. Important milestones in this expansion were the founding of Fort Cata-raqui (Kingston) in 1673, Fort Miami (St. Joseph, Mich) in 1679, Fort St. Louis and Fort Crèvecoeur (in Illinois) 1680-82^{qq}. The effort of LaSalle to establish a fort at the mouth of the Mississippi failed, but under other leaders Fort Biloxi was founded in 1699, Mobile in 1702 and New Orleans in 1717^{qq}.

New France now extended from the Gulf of St. Lawrence to the Gulf of Mexico, and to safeguard this vast extent of country strategic intermediate points were occupied. Fort Pontchar-train (Detroit) was founded in 1701; Fort Michilimackinac (a reoccupation) ca. 1715; Fort Chartres in the Illinois, 1717; Fort Niagara, ca. 1721^{qq}.

As the 18th century unrolled the danger point became the upper Ohio Valley, where the English were straining at their mountain barrier. A race for possession ensued. In quick succession Forts Presqu' Isle (at Erie), LeBœuf, Machault, Venango and Duquesne (at Pittsburgh) were established^{qq}. From protests, the rivals proceeded to blows and the French and Indian War^q, of worldwide dimensions, began in this area. It ended in the complete downfall of New France. Her frontier forts passed into English hands or into oblivion. In the struggle for the mastery of the continent they had played a significant role; in many cases (e.g. Pittsburgh, Detroit, St. Louis, New Orleans) great cities today occupy the sites of their vanished stockades.

[Works of Francis Parkman; Ernest Voorhis, *Historical Forts and Trading Posts of the French Regime.*]

M. M. QUAIFE

French Grants, THE (May 3, 1795, and June 25, 1798), included two tracts of land (24,000 acres and 1200 acres respectively) in present Scioto County, Ohio, on the Ohio River opposite the mouth of Little Sandy Creek. The grants were made by Congress to recompense those French settlers who had been induced to migrate to the United States in 1791 by agents of the speculative Scioto Company^q only to find their supposed land titles worthless and their settlement at Gallipolis^q (Ohio) located on the Ohio Company of Associates^q lands. Altogether, 101 persons were compensated by the two congres-

sional grants. Very few actually settled on their lands, most of them remaining at Gallipolis.

[W. E. Peters, *Ohio Lands and Their Subdivisions.*]

EUGENE H. ROSEBOOM

French in the Penobscot Region, THE. In colonial times the Penobscot region was strategically important as a buffer between the northern limits of Sagadahoc, claimed by the English, and the southern limits of Acadia^q, claimed by the French, an area over which there was much intrigue by European diplomats and in which many Indian depredations took place. It was here that d'Aulnay and de la Tour vied for French leadership, and that Baron St. Castin^q strengthened the French occupation by establishing a trading post in the town which now bears his name. Here the French pursued their usual course of cultivating friendship with the Indians through Jesuit^q priests. After the Treaty of Utrecht, 1713, and Dummer's Indian War, 1723-25^{qq}, this French influence was strongly contested by the English. Lands along the west bank of the Penobscot River included in the Muscongus Patent were taken up and a substantial settlement, characteristic of the English, began seriously to threaten French occupation. Finally in 1759, with the French and Indian War^q in progress, an ambitious and far-sighted governor of Massachusetts Bay, Thomas Pownall, proposed to erect a fort at what is now Fort Point. Thus the English took active possession of the Penobscot River, which they came permanently to possess by the terms of the Treaty of Paris, 1763^q.

[W. D. Williamson, *History of Maine.*]

ELIZABETH RING

French Mills (Fort Covington, N. Y.) was, shortly after the outbreak of the War of 1812^q, temporarily held by the British. On Nov. 13, 1813, two days after the battle of Chrysler's Field^q, Wilkinson reached it with his demoralized army (see Montreal, The Wilkinson Expedition against). The weather turned bitterly cold and the troops had no shelter except tents and improvised huts. Rations were short, clothing inadequate, pay in arrears, and most of the sick lacked hospital care. Many died; many deserted. During February, 1814, the place was evacuated, troops moving to Plattsburg and Sackett's Harbor^{qq}. Soon afterward British raiders cleaned it of abandoned supplies.

[James Ripley Jacobs, *Tarnished Warrior.*]

JAMES RIPLEY JACOBS

French Privateers. During the war between France and England, beginning in 1793, both

nations preyed on American commerce. French hostility increased after the Jay Treaty⁷⁷ was signed between England and the United States in 1794. The American Secretary of State reported in 1797 documentary evidence of the capture by French privateers of thirty-two American merchant ships, while the newspapers claimed that 308 others had been taken. The crews of the ships were treated with inhumanity as captives, and early in 1798 the climax was reached with French captures in American harbors. This led Congress in April of that year to authorize that "a number of vessels not exceeding twelve . . . be armed, fitted, and manned"; to establish April 30 the office of Secretary of the Navy; to declare all treaties with France null and void; and to order the capture of French ships engaging in hostile acts. During the ensuing state of war, lasting until Feb. 1, 1801, about eighty-four French privateers were captured, in addition to four government men-of-war (see *Naval War with France*).

[Charles Lee Lewis, *The Romantic Decatur*; Gardner W. Allen, *Our Naval War with France*.]

CHARLES LEE LEWIS

French Refugees in America have belonged to two classes: religious and political. The first and more important group, French Protestants or Huguenots⁷⁸, tried unsuccessfully to settle in Florida and Brazil in the 16th century. Subsequently many came to South Carolina, Virginia, and other British colonies. French-speaking Walloons⁷⁹ came early to New Netherland and French-Swiss groups to Pennsylvania and North Carolina. The Huguenots seldom formed isolated communities and contributed largely to the commercial, social and professional life of Boston, New York and Charleston—as the surnames Faneuil, Bowdoin, Jay, DeLancey, Huger and Laurens suggest. The French Revolution brought a succession of political refugees. In turn aristocratic *émigrés*, ex-plantation owners from Santo Domingo, exiled revolutionaries and after Waterloo many Bonapartists, flocked to the United States. These political refugees helped to broaden American culture and were also involved in various settlement projects combining speculation with asylum in Pennsylvania, Ohio, Alabama and Texas. Since the early 19th century the slight current of immigration from France has been primarily caused by economic pressure.

[H. M. Jones, *America and French Culture*.]

CHARLES C. GRIFFIN

French Spoliation Claims. These claims may be divided into two general classes, those arising between 1793 and 1798 (see *Franco-American*

Misunderstanding) and those arising chiefly between 1800 and the end of the Napoleonic wars. The first were settled in part when, through ratification of the Convention of 1800⁸⁰, the United States relinquished claims, amounting to about \$20,000,000, in return for a release from the 1778 treaty of alliance with France. The claims of American citizens against France for loss of ships and cargoes then became claims against the United States. After years of persistent effort by the original claimants and their descendants, Congress, between 1885 and 1925, made provision for paying the claims at the rate of about twenty-five cents for each dollar (see *Franco-American War Prize Cases*).

A further disposition of early claims was made in the Louisiana Purchase⁸¹ Treaty of 1803 which specified that the United States should pay "debts" due its citizens by France to an amount not to exceed 20,000,000 francs.

The second, and most controversial, class of spoliation claims grew chiefly out of French seizures and confiscations of American ships and cargoes under a series of decrees issued by Napoleon between 1806 and 1810. These were the Berlin decree of 1806, the Milan decree of 1807, the Bayonne decree of 1808, the Vienna decree of 1809, and the Rambouillet decree of 1810 (see *Napoleon's Decrees*). Additional claims were based on actions prior to 1803. The total claims amounted to over \$12,000,000, exclusive of interest.

During the administrations of Presidents Madison, Monroe, and J. Q. Adams, unsuccessful attempts were made to secure a settlement of these claims. When Andrew Jackson became President in 1829, he sent William C. Rives to Paris as minister with instructions to press the subject vigorously. Rives presented the claims, but they were rejected in June, 1830.

Following the July Revolution which brought Louis Philippe to the French throne in place of Charles X, Rives again took up the subject. A commission was appointed which, after considerable negotiation, decided that 25,000,000 francs should be paid in settlement of the claims. A treaty was accordingly concluded on July 4, 1831, and, after an exchange of ratifications, was proclaimed about a year later.

The amount promised was to be paid in six annual installments beginning one year from the date of ratification. When that time arrived, the American Government, through its financial agent, the Bank of the United States⁸², presented a draft which was protested by France. No appropriation for the payment had been provided by the French Parliament.

There followed a heated controversy, which came to a climax early in 1836 when diplomatic relations were suspended. War clouds were dissipated, however, by a British offer of mediation. The French paid the four installments which were past due and paid the remainder when due. Thereafter, 1567 American claimants were awarded the money received pro rata. The final settlement was at the rate of about fifty-nine cents for a dollar, for the total awarded by a special commission was \$9,352,193 while the six installments with interest paid by France yielded \$5,558,108.

[J. B. Moore, *Digest of International Arbitrations*, Vol. V; G. A. King, *The French Spoliation Claims*.]

ERIK MCKINLEY ERIKSSON

French Travelers in the United States, Early. Crèvecoeur's praise for the independent life of a country gentleman (1769-80) in *Letters from an American Farmer* exerted great influence upon 18th-century opinion of America. Chastellux, a Revolutionary soldier (1780-83), was impressed by our rapid transformation from wilderness to civilization, as was Brissot de Warville (1788); but Volney, a political exile (1795), concluded that Frenchmen would be unable to accustom themselves to American life. LaRoche-foucauld-Liancourt (1794-97), Montlezun (1816-17) and St. Victor (1832-33) were aristocrats whose views were chiefly hostile to us. D'Allemagne (1790) and Desjardins were disillusioned by their adventures in land speculation. Franchère's account of the Astor expedition⁹⁰ (1810-14) formed the basis for Irving's *Astoria*. Tocqueville's journey from Green Bay to New Orleans (1831) inspired his *Democracy in America*, the most notable and influential work in all our travel literature. His colleague, Beaumont, was less well impressed by our social habits than Tocqueville was by our political system. *Aristocracy in America* by Gaillardet (1837-48) failed to counteract Tocqueville's favorable report. The observations of Michel Chevalier (1833-35) supplemented those of Tocqueville concerning our economic life. To Aimard (1837-48) Americans were imperialistic and puritanical dollar chasers. Another literary man, Eyma, wrote revealingly on *American Peculiarities* in the 1850's. Marie Grandfort (1855) liked nothing about us and said so.

Saugrain de Vigni (1787-1820), the botanist Michaux (1785-96), the sportsman Revoil (1841-49) and the missionary Pierre de Smet (beginning in 1843) contributed to our knowledge of the West and Far West. Of notables who visited,

Friendly Association

but wrote little about us, may be mentioned Houdon, Chateaubriand, Talleyrand, Jerome and Joseph Bonaparte, Grouchy, Brillat-Savarin, and of course, Lafayette⁹¹. Though less familiar to Americans because of the language, French travel literature concerning the United States is equal in extent and importance to the British and, on the whole, is more favorably inclined toward us.

[Frank Monaghan, *French Travelers in the United States, 1765-1931*.]

HARVEY L. CARTER

Frenzied Finance was a term expressive of furious speculation, which became popularized through the writings of Thomas W. Lawson. In a series of articles in *Everybody's Magazine* (1904-05) he described in detail the methods by which Standard Oil interests reorganized the Anaconda and other mining interests as the Amalgamated Copper Company. These articles created an immense sensation and were republished in book form under the title *Frenzied Finance* (1905), giving currency to the term.

WHEELER PRESTON

Friendly Association, THE (1756-64). In Pennsylvania the French and Indian War⁹² became a stern reality when the governor and council declared war against the Delaware Indians⁹³ and their confederates on April 14, 1756. For several decades the Indians had suffered under the unjust land policies of the non-Quaker proprietors. Finally, with French support, they revolted openly. And the resulting war, now declared, hastened the end of the Quaker experiment in politics⁹⁴.

On Nov. 2 the Quakers, now out of the government, formally established an extralegal organization, the "Friendly Association for Regaining and Preserving Peace with the Indians by Pacific Measures." It functioned as mediator in a series of conferences trying to heal the breach between government and Indians. These conferences, the most important being at Easton in 1757 and 1758, dealt with various grievances, particularly the fraudulent Walking Purchase of 1737 and the Albany Congress Treaty of 1754⁹⁵. In its efforts for an examination of these grievances the Association incurred the displeasure of the proprietary interests who endeavored to thwart its activities and charged it with political motives, although it expended £7000 or more to help satisfy the Indians' claims against the whites. The Association probably ended in 1764.

[Samuel Parrish, *Some Chapters in the History of the Friendly Association*; Isaac Sharpless, *A History of Quaker Government in Pennsylvania*.]

GUY FRANKLIN HERSHBERGER

Friends, Society of. See Quakers.

Friends of Domestic Industry. Name assumed by a convention of 500 delegates from New England and the northern states, including Ohio and Virginia, which met at New York in 1831 to promote public opinion in favor of retaining a protective tariff⁹⁹. The reports of this convention contain much information upon contemporary American industry.

VICTOR S. CLARK

Fries Rebellion, THE (1799), is the term applied to the armed resistance of certain farmers in Bucks and Northampton counties in Pennsylvania to a Federal tax on land and houses. Their opposition grew out of a misunderstanding of the means of evaluating the houses, i e., by the number and size of their windows. The farmers understood this to mean that they were to pay a window tax. Women in protest poured scalding water on the assessors when they were measuring the windows, whence the term "The Hot Water Rebellion." John Fries, a traveling auctioneer or vendue crier, was their leader. The insurgents forcibly prevented the assessors from functioning in Bucks County, and compelled the release of men who had been imprisoned at Bethlehem in Northampton County for similar resistance to the tax. Federal troops were sent, and the rebellion was put down. John Fries was captured, twice tried for treason, and along with two other men, sentenced to be hanged. The date of the execution had been set, when Fries obtained a pardon from President John Adams.

[W. W. H. Davis, *The Fries Rebellion*.]

H. H. SHENK

Frigates were large sailing cruisers of relatively high speed, carrying their main armament of twenty-eight to fifty guns on one deck. Eighteen such vessels were built or purchased during the Revolution. In 1794 Congress ordered six vessels of this type, the *United States*, *Constitution*, *President*, *Constellation*, *Congress*, and *Chesapeake*⁹⁹. These, with other frigates built subsequently, were chiefly responsible for American success in the war with the Barbary States and the War of 1812⁹⁹.

[H. I. Chapelle, *History of American Sailing Ships*.]

LOUIS H. BOLANDER

Frink and Walker Stage Lines, THE (ca. 1836-55), operated most of the stages in Illinois and many in several adjoining states in the period preceding the advent of the railroads.

[M. M. Quaife, *Chicago's Highways Old and New*.]

M. M. QUAIPE

Fritchie, Barbara, and the Flag. A famous Civil War legend, given long life by the poet Whitier, was that of the elderly Mrs. Fritchie, who lived in Frederick, Md., when the Confederate army passed through in September, 1862. Seeing a Union flag in her window, so the story ran, "Stonewall" Jackson ordered his men to fire at it. The old lady rushed to the window, seized the riddled flag and waved it defiantly. Jackson, touched by her bravery, thereupon decreed death to any soldier who molested her. The story was untrue. Mrs. Fritchie, who was aged ninety-six at the time, feebly waved a small Union flag from her porch when Federal troops marched through six days later, but the testimony both of Jackson's staff and of her own family is that she and Jackson never saw each other.

[*Battles and Leaders of the Civil War*, Vol. II.]

ALVIN F. HARLOW

Front Royal, Va., Battle at (May 23, 1862). "Stonewall" Jackson (C.), moving down the Luray Valley to cut off Banks' (U.) retreat from Strasburg to Winchester, defeated the Union forces led by Col. Kenly at Front Royal, twelve miles east of Strasburg (see Jackson's Valley Campaign).

[J. C. Ropes, *Story of the Civil War*.]

HUGH T. LEFLER

Frontenac, Fort, was erected at Cataragui by Count Frontenac in 1673, within the present confines of Kingston, Ontario. On May 13, 1675, the seigniory was granted to LaSalle⁹⁹, who built Fort Frontenac on the earlier foundation, using it as a base for his explorations to the south. In 1683 the post was confiscated by LaBarre and became a storehouse for trade until abandoned in 1684.

In 1687, Denonville⁹⁹, en route with his expedition against the Iroquois, garrisoned the post. During the winter of 1688, the garrison suffered greatly from scurvy and starvation. The following year, the fortifications were blown up under orders of Denonville and further destroyed by the Indians in 1695. In 1696, Frontenac repaired the fortress and regarrisoned it, and from that period it was used as a base for trade. Aug. 27, 1758, it was captured and destroyed by Col. John Bradstreet⁹⁹.

In 1789, when Kingston became a military depot, a wooden barracks for men and one-story houses for officers were constructed within the curtains of the old fort and enclosed with a stockade, the old French tower in the northeast angle being used as a magazine. In 1819 the fort was demolished.

[*Ontario Historical Society Papers and Records*, Vol. XIII, No. VI.]

ROBERT W. BINGHAM

Frontenac Destroys Onondaga (1696). Determined to punish the Iroquois²⁷ for raids on the French settlements and interference with trade, on July 4, Count Frontenac left Montreal with an expedition composed of French regulars, Canadians, and their Indian allies. By means of bateaux and canoes, the army reached Fort Frontenac²⁸ within twelve days. Receiving reinforcements and leaving a small force to garrison this post, they crossed Lake Ontario and arrived at the mouth of the Oswego River on the 28th. They passed up the river to the vicinity of the Onondaga²⁹ village and erected fortifications.

Learning of the strength of the French, the Onondagas fired their village and retired. Frontenac's army advanced to the attack and found the village in flames with the only inhabitant an old sachem whom, after destroying the fields, they tortured to death. A detachment then proceeded against a near-by Oneida³⁰ village and found there thirty-five men who wished to welcome them as friends. These the French took as prisoners to Montreal.

Destroying the village and fields, the army now retraced its steps, harried at every point by the enraged Onondagas. Reaching Lake Ontario, Frontenac crossed the eastern end and returned to Quebec, accomplishing no other result than increasing the enmity of the Iroquois.

[W. M. Beauchamp, *A History of the New York Iroquois*.]

ROBERT W. BINGHAM

Frontier. As most commonly conceived in North America, the frontier was the line separating at any moment the settled regions from those as yet unoccupied; or it was the region on either side of that line (sometimes defined as having from two to six inhabitants to the square mile) whose few inhabitants had their chief concern in the pioneer labor of breaking land and building homes. Its existence as an interesting phenomenon was noted long before American independence. The narrow life and the crude behavior of its people aroused comment, not always favorable, from most of the visitors who journeyed through the English colonies or the United States (*see* French Travelers in the United States; British Travelers in the United States). Most often used to describe the zone along the western edge of agricultural occupation, the word frontier was often applied to margins other than that of farming. There was a frontier of the discoverer, of the priest or soldier, of the trapper; and in later days of the turnpike or the railroad. But the usual meaning of the word recognized the fact that wherever the farmer appeared his necessary operations

changed the face of the land and destroyed forever its virgin character.

Both line and zone, the frontier acquired a third meaning when in 1893 a young professor in the University of Wisconsin, Frederick Jackson Turner, produced a brief paper on "The Significance of the Frontier in American History." Born in a region just ceasing to be a frontier, schooled in a state possessing the greatest of manuscript collections relating to frontier experience, trained at a time when the results of economic forces were commanding study, Turner inquired why the United States was as it was. He noted that the solvent population of the United States, the whites, came only from the races that had built the civilizations of Western Europe. Yet in America the children of the immigrants had begun by the 18th century to play the part of changelings: they were not Europeans, but were Americans. He looked for causes of the transformation, finding no single variation of great consequence in the environment except in the fact that in the North American settlements of England the children of Europeans had come into contact with relatively unlimited quantities of cheap arable land.

Once glimpsing the notion that the open frontier with its cheap land might have been a causal force, Turner beheld the American picture in a new perspective. From the earliest settlements at Atlantic tidewater until the latest on the western edge of the high plains, Americans had lived within easy reach of cheap land. In their old homes they knew little but dependence for the dirt farmer, for whom nearly every language had a common name suggesting something less than freedom. In America there was independence for the taking; freedom at a low level to be sure; but freedom. Turner's inquiry as to the significance of this led him to the modest suggestion that in the process of occupying the continent forces were created or released that built the mental structure of the American, shaped his ideas of government and contributed to the development of his institutions.

The essay on "Significance" did little more than suggest the theme. For the rest of his life Turner, and his students, tested its applications in many places and many periods, while no important voices challenged the validity of his hypothesis until after his death. From his continuing studies came the third meaning of frontier; that of process. As a social process he conceived frontier as a state of society in which ancient life and old ideas were undergoing continuous adaptation to the requirements of new communities, unusually freed from the dead

hand of the past. For 300 years the process was under way without check, as young men created farms, as farmers created local governments, as states succeeded territories, and as National Government smoothed the processes of home rule. Throughout it all ran evidence suggesting that from the cheap land came influences to break down the definitions of conservative society, to encourage the initiative of the individual citizen, to build up a spirit for home rule, to encourage political democracy as teammate with economic equalitarianism, to advance at once the federal structure of the Government of the United States and the exercise of national authority by that Government.

From the frontier in its three meanings Turner derived an hypothesis whose compelling plausibility shaped most of the writing on United States history for a generation after 1893; and which seems likely long to shape writing about the period during which the frontier was an active force. Like any other historical generalization, the hypothesis stood upon its reasonableness rather than upon proof, and upon the absence of verified facts to challenge its soundness. When he launched the hypothesis Turner took pains to point out that the open frontier had already become an environment of the past. Nowhere could the American experience be repeated with the necessary accompaniments of temperate climate, cheap land, isolation and dependence on self-help. Whatever significance it might appear to have had must relate primarily to the period during which it lasted as a force. Upon the closing of the frontier the United States must of necessity pass into a different chapter of its history.

[The best statement of the frontier hypothesis is to be found in F. J. Turner's paper on Significance, which he reprinted in *The Frontier in American History*. This volume of interpretative essays was continued in a second volume of the same sort, *The Significance of Sections in American History*, published posthumously in 1932.]

FREDERIC L. PAXSON

Frontier, Army on the. See Army on the Frontier.

Frontier, Transition from. In American history the frontier may be defined as a region where, at a given time, the pioneering process was actually going on. The whole of the United States has been subject to this process. Between this earlier frontier stage of development and our later urban industrial civilization lies a transition stage, best described as a settled agricultural way of life. The distinguishing characteristic of our frontier was the abundance of free

land⁷⁷, the disappearance of which heralded the approach of transition. Until about 1890, when one region emerged from the frontier stage, another region to the west entered upon it.

In the North and South the frontier period was much the same. Surplus farming and new inventions facilitated the transition in both cases, but the result was vastly different. In the South the plantation system⁷⁸ supplanted the small farmers, who migrated in large numbers to the North and West. The difference between 320,000 bales of cotton produced in 1820 and 4,600,000 bales in 1860 measures the completeness of the change.

In the Middle West, also, subsistence farming was replaced by surplus farming, but the trend was toward diversification rather than toward a single crop. Farms decreased in size but increased in productivity. Many people moved farther west but this was more than offset by settlers received from the South, the East, and Europe. Accessible markets provided by the railroads benefited both farm and town.

On the Great Plains the coming of barbed wire and windmills⁷⁹ changed ranching from an adventure to a business. Further restriction of the range through the advent of "bib-overall farmers" completed the transition.

The frontier period was marked by individual struggle, success in which was determined more by effort than by capital. The passing of the frontier resulted in the replacement of comparatively equal opportunity for all by a degree of class stratification. Civilization began to catch up with the people. More churches and schools, better clothing and dwellings, new laws and state constitutions supplied the cultural and material aspects the pioneers had lacked. Although the transition from the frontier has received less attention than the more exciting formative period, a knowledge of it is important to a proper understanding of our later development.

[F. J. Turner, *The United States, 1830-1850*; F. L. Paxson, *When the West Is Gone*; Joseph Schafer, *The Social History of American Agriculture*; W. P. Webb, *The Great Plains*; T. P. Abernethy, *From Frontier to Plantation in Tennessee*; H. C. Hubbart, *The Older Middle West, 1840-1880*.]

HARVEY L. CARTER

Frontier Defense (1783-1877). The necessity of guarding the frontier gave rise to the creation of a standing army (see Army, United States). After the capture of Yorktown⁸⁰ in 1781 the Revolutionary Army was quickly disbanded. By 1783 it consisted of only eighty men who were designated as guards. It was soon built up to 700, most of whom were stationed on the upper Ohio. After the close of the War of 1812 Con-

gress decided to maintain an army, primarily to protect the frontiers. Posts were soon established at strategic places and were moved as the situation changed.

The theory and practice of frontier defense evolved slowly and gradually. In completed form the frontier included five aspects or phases: (1) the commercial frontier, represented by the fur trader⁹⁹, trapper and hunter, (2) the military frontier, represented by an irregular line of army posts (*see Army on the Frontier*); (3) the cession frontier, which marked the limit of land that had been officially acquired from the Indians (*see Indian Land Cessions*); (4) the public land⁹⁹ frontier, the limit of lands that had been surveyed and opened for sale and settlement; and (5) the frontier of settlement, determined by the density of population, which in turn rested upon the fertility and accessibility of the land. Frontier defense involved attention at various times to each of these frontiers. Unfortunately for the army the development of the frontier did not always go through the five progressive steps listed above. Settlers sometimes preceded land cessions, tribes who had ceded their lands often refused to move; the line of settlement sometimes preceded forts and garrisons; and posts and garrisons sometimes lingered within settled areas long after the need for them had disappeared.

Frontier defense involved a number of activities. The army surveyed rivers, lakes and harbors, cut roads and built bridges; it protected mail routes, ferries, government stores, immigrant trains and trading caravans; it ejected squatters⁹⁹ and established legal claimants; it protected surveyors and commissioners; it restrained and regulated hunters and trappers; it assisted officers of the law and protected whites against Indians and Indians against whites; and finally it fought those occasional battles which seemed to be inevitable.

Among the earliest occasions for the use of troops were the campaigns of Harmar, St. Clair and Wayne⁹⁹⁹ in western Ohio during Washington's administration. Other instances of frontier wars were the Seminole Wars, the Black Hawk War, the Louisiana-Texas border struggles, the Arikara War, the Apache War, the Sioux outbreak in Minnesota, the Modoc War and Custer's famous battle on the Little Big Horn⁹⁹⁹.

In spite of the large part which Indian warfare plays in our history its extent and significance can easily be overstated. The Indians were too few, too scattered and too poorly organized to offer more than isolated and sporadic obstacles to the westward movement⁹⁹. Defense

against the Indians was important because it led to the discovery in detail of our country, to the formulation of military policy and to the rapid conquest and settlement of our vast domain.

[Edgar B. Wesley, *Guarding the Frontier*.]

EDGAR B. WESLEY

Frontier Merchant, THE, was a product of the westward movement⁹⁹ in American history and was thus a part of the national picture from the 17th century until the close of the frontier in the 1880's. He replaced the peddler⁹⁹ on the fringes of settlement as soon as population became dense enough to support a store, and remained a feature of community life until the increase in population in his section made economic specialization possible.

Because frontier conditions prevented specialization, the storekeeper performed many functions that later passed to other economic agencies or were performed by special types of merchants. Thus he ran a "general" store, carrying dry goods, groceries, hardware, medicines—anything that frontier settlers might buy. Such an arrangement was necessary in regions where customers were scarce, for otherwise there was insufficient business to maintain a store. Lack of ready cash in frontier communities made it necessary for him to barter his store goods for the crops of the settlers, such as furs, beef, pork, whiskey, ginseng and metals. In processing these for outside markets he performed an elementary kind of manufacturing. After they were prepared for shipment he had to freight them to market, proximity to rivers being almost a necessity in the days before the railroad. Through the barter system the storekeeper enabled communities without banking facilities to carry on trade with the outside world and to begin economic specialization. The frontier store was a social center where the scattered population could gather to trade and exchange the topics of the day. In many cases villages developed with the store as a nucleus. But as transportation improved and population increased the picture rapidly altered. Banking, manufacturing and exporting became specialized functions apart from merchandising. Specialization also developed within the mercantile structure itself, some merchants now carrying only dry goods, others groceries, and still others hardware. Such changes of course ended the days of frontier merchandising within a locality.

There was an essential sameness to the picture in every region as it passed through the frontier stage. In the middle of the 18th century Thomas Hancock, the leading Boston merchant, received

the crops hauled in by merchants from the back country⁷⁷ and supplied them with goods in return. His records show that such men operated general stores, carried on a barter system and acted as agents for the export of local farm crops. Seventy-five years later, in the frontier regions of Missouri, Illinois and Iowa, the same type of merchandising was in operation.

[Lewis E. Atherton, *The Services of the Frontier Merchant, Mississippi Valley Historical Review*, XXIV, September, 1937.]

LEWIS E. ATHERTON

Frontier Oratory. A new type of political oratory sprang up with the westward movement⁷⁸ in the United States. Open-air meetings, attended by picnic or barbecue⁷⁹, brought crowds seeking entertainment. To amuse his audience the speaker invariably opened his oration with a humorous story calculated to put the crowd in a good humor, a concession to the reigning spirit of democracy. Hyperbole and satire were the chief weapons, and the "tall story,"⁸⁰ a distinctly American form of humor, was born. Incidents varied, but the formula remained the same, and is still the favorite device of political spellbinders. Frontier oratory castigated those of opposite political faith. A typical example is that of the congressman from Tishomingo County, Miss., who commonly opened his speeches by holding up a silver dollar and shouting: "My fellow-citizens, there she is; look at her—never disgraced but twice in the history of the world: once by Judas Iscariot, the other time by the Republican Party."

W. J. BURKE

Frontier Preaching developed peculiar characteristics as a result of the conditions which prevailed in a rude and uncouth society. The four principal frontier religious bodies, Baptists, Disciples, Methodists and Presbyterians⁸¹, all emphasized those doctrines which tended to instill fear into the hearts of the "sinner," yet each had its own peculiar emphasis. Also all dwelt upon the uncertainty of life and the imminent presence of death, and upon the endless fiery punishment which would certainly be meted out to unrepentant sinners. The Presbyterians tended to be more doctrinal in their preaching, defending the tenets of Calvinism against the attacks of the Arminian Methodists and Disciples. The Regular Baptists were mildly Calvinistic, but laid chief doctrinal stress upon the necessity of baptism by immersion. The Disciples were literalists in their interpretation of the Bible and held up the New Testament particularly as the only rule of faith and practice. The Methodists, while stressing eternal punishment and a

literal "Hell fire," ended most of their sermons with a setting forth of God's love for mankind, and the possibility of salvation for every man. There was much outdoor preaching at the camp meetings⁸², often characterized by strong emotionalism.

[P. G. Mode, *The Frontier Spirit in American Christianity*; W. W. Sweet, *Religion on the American Frontier*, and *Rise of Methodism in the West*.]

WILLIAM W. SWEET

Frontiersmen. See *Pioneers*, The.

Frost-Bitten Convention, THE (Dec. 14, 1836). In May, 1835, a state constitution for Michigan was adopted, with the line laid down in the Ordinance of 1787⁸³ for the southern boundary. Admission to the Union was refused by Congress, however, until the state should accept a boundary redrawn to give the mouth of the Maumee to Ohio. Michigan refused, and a two-year deadlock ensued. An irregular assembly at Ann Arbor (known as the Frost-Bitten Convention) finally accepted the congressional ultimatum, and Michigan entered the Union, Jan. 26, 1837.

[Henry M. Utley et al., *Michigan as a Province, Territory and State* . . . , Vol. II.]

M. M. QUAIFFÉ

Fruit Growing. In 1566 the Spaniards planted olives, dates, figs, oranges, lemons and peaches on the coast of Georgia. These were the first orchards in the United States and from them the Indians continued the culture of figs, oranges and peaches until permanent settlements were made by Europeans. Capt. John Smith reported in 1629 of the settlement made in Jamestown in 1607 that they were growing apples, pears, peaches, apricots and other fruits. These were the first plantations of hardy fruits in the United States. In 1647 Peter Stuyvesant laid out a farm on the present site of the Bowery⁸⁴ in New York and planted an orchard from which sprang orchards on both sides of the Hudson. In 1638, John Josselyn reported in *New England's Rarities Discovered* that all of the hardy fruits were growing in New England. By 1769 the Spaniards had made settlements from Texas to California and planted orchards.

Fruit growing began as an industry about 1800. Until then there were few named fruits, and nurseries⁸⁵ hardly existed; bush, vine and bramble fruits were hardly known. During the colonial period budding and grafting were little practised and most orchards were of seedling trees. Until after the Civil War fruit growing as a business was seldom profitable because quick transportation was not possible. Grape growing was not established as an industry until about 1830, when

several varieties of native grapes had been introduced. Red raspberries, black raspberries, blackberries, cranberries and strawberries were little grown until after 1825 when varieties of all had been domesticated from wild plants. Late in the 19th century refrigerator cars and commercial canning²⁹ gave a great impetus to fruit growing. Wine and champagne making, as industries, began in western New York about 1850.

[Robert Manning, *History of Massachusetts Horticultural Society*.]

U. P. HEDRICK

Fruitlands was the home of Bronson Alcott's experiment in "consocial" living and transcendental³⁰ idealism at Harvard, Mass. With his English admirers, Lane and Bowers, his wife and "little women" and seven other idealists, he moved to Fruitlands in 1843 to live with physical asceticism and spiritual beauty. The men sowed eleven acres, but, with a distrust of animal labor and manure, and more interested in spirit than in matter, they failed as farmers. Winter drove them from Fruitlands.

[H. E. O'Brien, *Lost Utopias*; C. E. Sears, *Bronson Alcott's Fruitlands*.]

ALLAN MACDONALD

Fuel Administration (1917) A wartime agency instituted Aug. 23, 1917, under authority of the Lever Act³¹, the Fuel Administration exercised control over the production, distribution and price of both coal and oil. The five main courses of its activity were: (1) to stimulate, by various means, an adequate increase in the production of fuel; (2) to encourage voluntary economy in the private consumption of fuel; (3) to restrict consumption by industries not essential to the winning of the war; (4) to regulate the distribution of coal through a zoning system; (5) to check the inordinate rise of fuel prices by fixing maximum prices within each zone. Characteristic of its methods for inducing voluntary conservation was its appeal of Aug. 27, 1918, to all people residing east of the Mississippi to observe a series of "gasless Sundays" by refraining from all unnecessary use of motor cars. Such methods were effective. When, however, the unusually severe winter of 1917-18 depleted the fuel reserves and a serious choking of railroad terminals and docks threatened complete stoppage of the movement of coal, the Administration issued the drastic decree of January 17, which temporarily shut down all dispensable industries until the railroads could reduce their congestion. After the Armistice³² the agency rapidly reduced its personnel until June 30, 1919, when, failing to receive a new appropriation, it ceased to function. Its control was partially revived as an ad-

junct of the Railroad Administration from Oct. 26 to Dec. 13, 1919, to deal with an emergency situation resulting from the coal strike of the preceding summer.

[H. A. Garfield, *Final Report of the United States Fuel Administration, 1917-1919*, Washington, D. C., 1921.]

HARRY A. GARFIELD

"Fugios" or Franklin Cents are the earliest coins issued by authority of the United States, they being all dated 1787, and made in conformity with resolution of Congress, dated July 6, 1787:

"Resolved, That the Board of Treasury direct the contractor for the copper coinage to stamp on one side of each piece the following devices, viz.: Thirteen circles linked together, a small circle in the middle, with the words 'UNITED STATES' round it, and in the centre the words, 'WE ARE ONE'; on the other side of the same piece the following device, viz.: a dial with the hours expressed on the face of it; a meridian sun above, on one side of which is to be the word 'FUGIO,' and on the other the year in figures '1787', below the dial the words 'MIND YOUR BUSINESS.'"

[G. G. Evans, *History of the United States Mint and Coinage*.]

JAMES D. MAGEE

Fugitive Slave Act of 1850, part of the Compromise of 1850³³, was the South's vain attempt to supplant the ineffectual Fugitive Slave Law of 1793 (*see* Fugitive Slave Acts) by one which would suppress the aiding of runaways or stop its heavy losses by the facility of their recovery. The new law added United States commissioners to the usual courts to issue warrants for the arrest of fugitives and certificates for their removal to the states or territories whence they had escaped. The claimant's affidavit established his ownership, and in an arrest without process he took his slave before the official, who determined the matter summarily. Citizens must aid in executing the law. Those harboring, concealing or rescuing a fugitive were liable to a fine of \$1000, six months' imprisonment and civil damages of \$1000 for each runaway so lost. The commissioner received \$10 for issuing a warrant, but only \$5 for discharging the Negro. A United States marshal or his deputies refusing to execute the warrant might be fined \$1000, or, letting the fugitive escape, might be sued for his value. The new law produced an era of slave hunting and kidnapping³⁴ in the North, drove hundreds of runaways from the free states to Canada, created some vigilance committees, increased under-

ground railroad^m operations and stimulated Mrs. Stowe to write *Uncle Tom's Cabin*^m.

[W. H. Siebert, *The Underground Railroad from Slavery to Freedom*; Marion G. McDougall, *Fugitive Slaves, 1619-1865*; Henry Wilson, *History of the Rise and Fall of the Slave Power*.]

WILBUR H. SIEBERT

Fugitive Slave Acts, in colonial days, applied to white indentured servants and Indian and Negro slaves. An early Massachusetts law required the magistrates to recover runaways by armed force, and a later one imposed fines for harboring Negro servants without the owner's consent. In New Netherland indentured fugitives were required to serve double their absent time and pay damages to the master. The harboring was heavily fined. Other colonies had similar laws. The Virginia act of 1672 authorized killing a runaway who resisted arrest and public payment of his value. Maryland also had such a law. In North Carolina, by act of 1715, a person swearing he had killed a fugitive in self-defense while apprehending him was not held accountable, and a fugitive's harboring was required to pay the owner according to the time he had kept him. All persons were required to strive to arrest traveling slaves without passes and take them before magistrates for appropriate action. The law of 1741 rewarded the securer of a runaway, increased the harboring's fine and ordered him sold for not paying it. Persons convicted of abducting slaves from the province lost their lands and lives, or each was obliged to pay £25 to the owner if attempting it. In 1793 sea-captains were made liable as capital felons for abductions. Three laws of 1825-33, in force to 1860, imposed death for stealing slaves from the state, being aimed at Underground Railroad^m operators.

The South Carolina slave code of 1722 required patrols to punish slaves going without passes and treated abductors as in North Carolina. Runaways trying to leave the province suffered death. In Southern colonies generally slaves absent from their plantations were required to carry passes, and free Negroes to prove their status by producing certificates.

Emancipation in New England and Pennsylvania (1777-84) and the Northwest Ordinance^m (1787) rendered the status of fugitive slaves in free territory a problem, but the Ordinance recognized the owner's right of reclamation, and the Constitution declared that a person held to service in one state and escaping into a free one should be delivered to the rightful claimant.

The principles underlying the Federal Fugitive Slave Acts of 1793 and 1850 existed in the articles of confederation of the United Colonies of New

England^m (1643). The act of 1793 authorized the claimant, or his agent, to arrest the runaway in any state or the territories northwest or south of the Ohio River, and prove orally or by affidavit before a circuit or district judge or a magistrate that the fugitive owed service as claimed. Thereupon the official issued a certificate to the applicant for removing the fugitive to the state or territory from which he had fled. Any person knowingly harboring a fugitive, or obstructing his arrest, was liable to pay \$500 for each offense by action of debt and to a further suit for damages.

[M. G. McDougall, *Fugitive Slaves, 1619-1865*; J. S. Bassett, *Slavery and Servitude in the Colony of North Carolina*; Edward McCrady, *Slavery in the Province of South Carolina, 1670-1770, Annual Report, American Historical Association, 1895*.]

WILBUR H. SIEBERT

Full Dinner Pail, THE, a Republican campaign slogan in 1900, emphasized the prosperity of McKinley's first term and appealed particularly to the labor vote.

[Herbert Croly, *Marcus Alonzo Hanna, His Life and Work*.]

WENDELL H. STEPHENSON

Fulton, THE, was a wooden side-wheel steamer built in 1837 in New York for harbor defense. Except for the *Demologos*^m, it was the first steam warship in the American navy, and demonstrated the advantages of steam in naval warfare. Given new engines in 1852, it took part in the Paraguay Expedition^m. It was burned when the Confederates abandoned Pensacola.

[F. M. Bennett, *The Steam Navy of the United States*.]

WALTER B. NORRIS

"Fulton's Folly." At least sixteen steamboats, including the successful experiments of Rumsey and Fitch^m, had been built before the *Clermont* was launched in 1807. Fitch had offered his invention to Congress for the free use of all, but had been refused. In 1787 he had secured from the legislature of New York the sole right to navigate steamboats on the Hudson. But public opinion was slow to realize that steam could be made of practical use in travel and transportation, and Fitch, failing to build a boat of the required speed in the time specified, lost his monopoly. In 1798 the exclusive privilege of navigating all boats propelled by steam on all water within the State of New York was given to Robert R. Livingston, who, also, failed to build a boat of the required speed and for a time abandoned the project. In Paris he became acquainted with Robert Fulton and in 1803 the monopoly was revived with Livingston and Fulton as joint beneficiaries. Livingston's financial

backing and political influence gave Fulton his chance. In 1807 the *Clermont* was built. The snub-nosed little boat, with sparks roaring from her smokestack, made the 150-mile run from New York City to Albany in thirty-two hours. A regular passenger service was inaugurated and a new era in water transportation began. In 1809 Fulton applied for and obtained a Federal patent.

The Livingston-Fulton monopoly was the cause of much grumbling. It was asserted that Fulton had not invented the steamboat and had no right to a monopoly. In 1810 a rival company was started in Albany. The case was appealed and Fulton won, but was forced to compromise with the Albany company because of lack of means to enforce the verdict. During 1811 Fulton built two vessels for the Hudson, and a ferryboat, which he and Livingston operated successfully between New York City and New Jersey. The question of ferryboats from state to state and navigation on rivers which formed the boundaries between states became a source of endless litigation.

Spurred on by their success in New York, Livingston and Fulton became ambitious to gain monopolistic control of the steamboat traffic of the United States. They studied the Ohio and Mississippi. They advertised, offering to license steamboats on a percentage basis in territory over which they had no control. In 1811 Louisiana gave them a monopoly for a limited time on the Mississippi. Fulton accordingly built the *New Orleans*⁹⁹, the first steam craft to navigate a stream in the interior of the country. Litigation caused by the monopolies continued, until they were broken up by the decision of John Marshall in 1824 in the case of *Gibbons v. Ogden*⁹⁹.

[S. Dunbar, *A History of Travel in America*; Alice G. Sutcliffe, *Robert Fulton and the Clermont*.]

A. C. FLICK

Fundamental Constitutions. English colonists of the 17th century carried with them to the New World the conception of a supreme and fundamental constitution to which all laws must conform, but which was not embodied in one comprehensive written document. The rights and privileges of that constitution were extended to them through charters granted by the king to promoters, both trading companies and proprietors. Promoters in turn often issued patents to individuals or groups of people, which, in addition to giving land, usually accorded to the holders the right of local autonomy, though requiring subordination to the superior province government. The Council for New England granted a patent of this type to the Pilgrims, and

Fundamental Constitutions

the Virginia Company⁹⁹ made a number of similar grants. These charters and patents took precedence over colonial law.

Although the royal charters guaranteed to colonists the rights of British citizens, they did so in such general terms that the grantees usually issued additional concessions. These appeared early in colonial history, and assumed the position of fundamental law. The Virginia Company by an ordinance in 1621 established a constitutional framework which survived long after the company lost its charter. The Body of Liberties⁹⁹ adopted by the Massachusetts Bay Company in 1641 bore many of the aspects of a fundamental constitution, but it owes its origin to the current revolutionary ideas of the Puritans rather than to English legal concepts.

The early lords proprietors offered no special concessions to their tenants beyond what their charters specified, but early in the Restoration Period the proprietors of the Carolinas and Jerseys granted Concessions and Agreements⁹⁹ followed by Fundamental Constitutions (*see* Carolina, The Fundamental Constitutions of). These, with Penn's Frame of Government⁹⁹, represent an attempt to compromise with the new conflicting conception of sovereignty in the people which had developed in the Northern colonies.

The idea of a fundamental law emanating from the people may be traced to the squatter colonies of New England. The precursor of this conception was the Mayflower Compact⁹⁹, which for the time being served as an emergency constitution for the Pilgrims until they could replace their legal patent given by the Virginia Company, useless because they were outside of Virginia, with a similar one from the Council for New England, the owners of the land on which they decided to settle. The Fundamental Orders of Connecticut⁹⁹ and of New Haven, and the Providence Agreements are of this sort without the temporary character. In all these cases the constitution was based on the theory of popular sovereignty so soon to find expression in England itself among the Puritans of the Revolution in such documents as Ireton's Agreement of the People. The king's confirmation of these early systems of government in Connecticut and Rhode Island by charters in the Restoration Period placed the two corporation colonies throughout their history in a position of greater independence of the mother country than existed in colonies of any other type, and furnished the pattern on which were modeled the state constitutions of the new United States.

[H. L. Osgood, *The American Colonies in the Seventeenth Century*.]

VIOLA F. BARNES

Fundamental Orders of Connecticut. See Connecticut, Fundamental Orders of.

Fundamentalism grew out of a conflict of two religious cultures: the traditional evangelical faith and the liberal interpretation of Christianity. The former had acquired rather fixed doctrinal and ecclesiastical form by the turn of the 20th century; the latter expressed itself chiefly in terms of Biblical criticism, the social gospel, and religious education.

The fundamentalists constituted those conservatives who defended "the revealed faith" against the teachings of liberal churchmen. A group organized in 1909 had published several volumes called *The Fundamentals*. Associated groups sprang up in each denomination seeking to make the historic tenets of their sect the test of faith and practice for their brethren. The Fosdick case was the most significant of many that helped to focus the forces of fundamentalism within the denominations.

Beyond the denominations fundamentalists carried forward their crusade in terms of prophetic conferences, antirevolution tracts (see Scopes Trial), tractarian appeal, and Bible school indoctrination. The most important of many types of fundamentalism was the World's International Fundamentalist Association. Through the instrumentality of this fellowship it was hoped that all conservative exponents of the gospel would unite to save the cause of orthodox Protestantism.

For two decades controversy concerning Biblical inerrancy, the deity of Christ, the substitutionary atonement and kindred themes stirred the church people. By 1925 the strength of the Fundamentalist movement was ebbing, for the leaders had been compelled to accept compromise positions repeatedly in church councils. More recently, conservatives have been content to maintain their faith without attempting to convert liberals.

[Stewart G. Cole, *History of Fundamentalism*.]

STEWART GRANT COLE

Funding of Revolutionary Debt. See Assumption of, and Funding of, Revolutionary Debt.

Funston's Capture of Aguinaldo (March 14-25, 1901). When organized Filipino resistance to American rule collapsed, to be succeeded by guerrilla warfare, Emilio Aguinaldo, the insurgent president, fled to Palanan, an inaccessible village in northeastern Luzon (see Philippine Insurrection). One of his officers, bearing dispatches to southern Filipino leaders, surren-

dered himself and the letters. Aguinaldo's hiding place thus betrayed. Gen. Frederick Funston devised a stratagem to capture him. Decoding the cipher dispatches, he prepared forced marches which were transmitted to Palanan where Aguinaldo received them. These stated that a Tagalog insurgent band was joining and carrying five American prisoners. Funston, with white officers impersonating prisoners, and a carefully coached Macabebe scout, pretended to be sent to the east coast of Luzon, landing secretly in Casaguran Bay. Completely devoid of local inhabitants, they marched to Palanan in a terrible five-day progress through difficult terrain. Welcomed in their averted march by the expected Aguinaldo's body guard, seized him and his band, and to the coast. A vessel met them by arrangement and carried them, with the prisoner, to Manila. Meticulously prepared and brilliantly executed, the ruse was completely successful. Funston's reward was a regular army commission as brigadier general. Aguinaldo took the oath of allegiance, Filipino submission generally ensuing as other recalcitrant leaders followed his example.

[Frederick Funston, *Memoirs of The War*.]

CHARLES WINSLOW ELLIOTT

Fur and Fur-bearing Animals. The term fur, used in a technical sense, is applied to an animal skin with a double coat of hair, one layer consisting of short, soft hairs next to the skin itself, for the purpose of warmth, and another layer of longer and smoother hairs called the overhair, or guard-hair, adapted to the protection of the first layer. Fur-bearing animals, in this sense, are widely distributed and are to be found in relatively warm, as well as in temperate and Arctic regions. It is true, however, that the skins which are commercially most valuable are found in temperate and cold climates. The two principal sources of the world's fur supply are northern Europe and Asia, and the northern part of the continent of North America. The commercially valuable furs of America are of many varieties, of which the following are most important: beaver, muskrat, skunk, mink, marten, otter, fisher, fox and bear of several varieties, raccoon, wolf, lynx and wolverine. Of all these, the beaver has probably been the most important historically and the fur trade and the beaver trade were in the past often referred to as though they were synonymous. Furs vary greatly in commercial value, depending upon the particular species of animal, climate, season, and the conditions under which they are taken and preserved. From ancient times there had always been a great de-

mand for furs, but the fur trade and industries dependent thereon were given a tremendous impetus by the discovery of North America. As the demand increased with accumulating wealth, furs tended more and more to become articles of luxury. Beaver skins were in especial demand for the manufacture of hats and in the English-speaking world the terms "beaver" and "hat" were long used interchangeably (see *Beaver Hats*). The American fur trade rose to importance in the 17th century and has been continued without interruption to the present time, often becoming an important stake of war and diplomacy. Noteworthy likewise have been the industries involved in preparing furs for use, such as those engaged in dressing, dyeing, and making garments. Owing to the continually increasing demand as well as the occupation of fur-bearing regions by settlement, there has been serious danger of the depletion of the supply of fur animals, a tendency which has been counteracted to a certain extent by conservation measures and by the introduction of fur farming. The securing of fur-bearing animals and the processing of their skins still remain important industries.

[Henry Poland, *Fur-Bearing Animals in Nature and in Commerce*; Agnes C. Laut, *The Fur Trade of America*, H. A. Innis, *The Fur Trade in Canada*; Elliott Coues, *Fur-Bearing Animals: a Monograph of American Mustelidae*.]

WAYNE E. STEVENS

Fur Trade. The traffic in furs and skins began with the first contacts between European explorers and the Indians along the shores of North America, and has continued without interruption to the present time. There is scarcely any part of the continent, in fact, which has not at one time or another been the scene of the trader's activities. The area involved has naturally become more and more restricted with advancing settlement, although in northern Canada the fur trade is still conducted along lines which are in some respects reminiscent of methods which originated three centuries ago. The industry represents a transitional stage in the development of any particular region, to such a degree that it is customary to refer to the "fur trader's frontier."

The early development of the trade may be explained on the ground that furs always commanded a ready market in Europe, while they were almost the only New World commodity which afforded immediate returns. Furs, moreover, were fairly compact in relation to their value and could be easily transported, while the aid of the Indians could be enlisted in procuring them. Many circumstances determined the subsequent development of the trade, including the

variety and abundance of fur-bearing animals, the conditions of the European market, facilities for transportation, especially by water, and the attitude of the various Indian tribes. Competition between individual traders as well as national groups was also an important factor.

The fur trade tended to subdivide into regional areas, depending upon the nationality of settlers and political jurisdiction, but especially upon transportation routes. While these areas constantly shifted, the following may be fairly clearly distinguished: the St. Lawrence-Great Lakes region and the upper Mississippi; New England; the southern Atlantic colonies, with the hinterland converging upon the Ohio Valley; the lower Mississippi and its tributaries, dependent upon New Orleans; and, as the tide of settlement rolled westward, the Missouri River and Rocky Mountain areas and the Pacific Coast^{99v}. To the northward we have the vast area continuously exploited by the Hudson's Bay Company^{99v} since 1670.

As regards the greater part of the continent, the fur trade has not been a permanent phenomenon, and yet it has not been without historical significance. Trade and exploration have proceeded hand in hand and for long it was an axiom that Indian trade and Indian diplomacy were synonymous terms. In the rivalry between English, Dutch, Spanish, French and Americans, the fur trade played a major role. The difficult task of regulating the trade, moreover, engaged the attention of government agencies from the beginning. Last, but perhaps not least, the traders themselves have left a vast body of letters, journals and diaries, which constitute a valuable literary heritage in which one of the most picturesque aspects of American history has been recorded. (See also *Indian Trade and Traders*.)

[H. M. Chittenden, *The American Fur Trade of the Far West*; C. A. Hanna, *The Wilderness Trail*; Douglas MacKay, *The Honourable Company: A History of the Hudson's Bay Company*; K. W. Porter, *John Jacob Astor*; W. E. Stevens, *The North-West Fur Trade, 1763-1800*; C. A. Vandiveer, *The Fur Trade and Early Western Explorations*.]

WAYNE E. STEVENS

Fur Trade, Goods for, may be classified as weapons, utensils and tools, clothing and ornaments, tobacco and fire water—which were the things most desired by the aborigines. The primitive Indians having no knowledge of the working of metals, except small copper nuggets used chiefly for ornament, were greatly impressed with the value of metal objects, both as weapons and as implements. Knives, hatchets, axes of several shapes, tomahawks, awls and needles, scrapers for dressing skins, hoes, traps, wire for snares,

fishhooks, spearheads, fire-steels and kettles were always in demand. They soon learned to covet the white man's guns, and in the 18th century a special weapon known as the "Northwest gun" was manufactured in England for the Indian trade. With these weapons went powder, lead, gunflints, worms for cleaning, and the several parts of the gun for repairs.

For clothing, the principal object was the blanket, made in various sizes called points—a three point blanket was the ordinary size, a two point was for a child. The women coveted combs and looking glasses. Ready-made clothing had good exchange value; shirts, cloth leggings, coats, hats with feathers for the chiefs, silk handkerchiefs, neck cloths and breechcloths were carried in the traders' packs, along with bolts of red and blue cloth (called stroud), ribbons, worsteds and braid for decoration. Other ornaments were known as *angenterie* or silverware, including armlets, rings, earrings, brooches of many shapes, and gorgets. These became standardized and were produced in France, in Canada and in England. Beads, used to replace the native wampum⁷ for ornaments and records, were made in Holland, France and Italy. Strings of beads were called "rassade" by the French traders. The bead belts were known as collars among the British. Bells were also used as ornaments. Even jew's-harps were occasionally included among the traders' wares.

The most universal and most devastating trade goods were different sorts of liquor. The French carried brandy (*eau de vie*) and high wines; the British and Americans carried whisky and rum. It was the universal custom to give the customer a small gift of an intoxicant, which the native could never resist. Then for more indulgence the Indian would barter everything he possessed. Although the tribesman had a native tobacco, called *Kinnikinnick*, he preferred "Brazil" tobacco, that he secured from his trader. Few traders went among the Indians without packages of vermilion which the natives used for personal adornment to paint their faces and parts of their person.

All these goods were traded on a system of credits, the Indian securing from his trader ammunition, blankets, kettles, etc., necessary for hunting. These credits were paid by the furs the native obtained; sometimes the traders took food—pemmican⁸, wild rice, maple sugar—to repay credits.

[F. J. Turner, *Character and Influence of the Fur Trade in Wisconsin*, Wisconsin Historical Society *Proceedings*, 1889; *Wisconsin Archeologist*, Vol. XVII, No. 3.]

LOUISE PHELPS KELLOGG

Fur Trade of Great Lakes Region. The area considered in this article may be regarded as an economic unit, with respect to the fur trade, and includes the St. Lawrence and Great Lakes system, and the upper Mississippi with its tributaries. At times the trade centering in this area was extended even beyond the limits indicated and included the region between the Ohio and Mississippi, as well as the valley of the Missouri. Until about the close of the War of 1812, the trade of this vast territory centered largely in Quebec or, later, Montreal. While traders operating from Canada were dominant, the region was at times invaded by outsiders—by French or Spanish from the lower Mississippi, or by New Yorkers approaching along the Hudson-Mohawk waterway. This regional unity affords a splendid illustration of the importance of the geographical factor in determining the general organization of the fur trade.

The region in question was one of the rich fur-bearing areas of North America, and the peltry trade flourished on a large scale for some 200 years. Beaver skins were the most important single item but the country also yielded the pelts of the raccoon, otter, mink, muskrat, fox and many other animals. The traders dealt with many different Indian tribes and a detailed study would have to take into account the characteristics of the natives, their intertribal relations and attitude toward the whites. The Iroquois⁹, occupying the New York area, were an important factor in the Anglo-French rivalry prior to 1763 and determined to a certain extent the general channels of trade.

The Great Lakes fur trade may be divided into three fairly distinct periods, the first extending from the early French explorations of the 17th century to the completion of the military conquest of Canada in 1760; the second, or British period, from 1760 to the surrender of the Northwest posts to the Americans in 1796; and the third, or American period, from 1796 until the decline of the trade in the middle 19th century. The subject may be considered by treating these three periods in turn.

New France¹⁰ had its genesis largely in the fur trade, which began with the earliest contacts of French explorers with the natives in the 17th century. Quebec was founded by Champlain in 1608 and from this settlement as a base the trade was extended to the interior with amazing rapidity. The industry received the active support of the French authorities, who devoted much attention to matters of regulation and control, and at times the fur trade largely overshadowed all other interests. Every effort was made to establish

the trade as a French monopoly and the privilege of exporting furs to France was vested in a succession of companies, including the Company of the Hundred Associates, founded in 1628, the Company of the West Indies, the Company of Canada, and the Company of the West. Commercial firms sprang up within the colony which carried on the trade with the "upper country" through agents or correspondents. At first the Indians were encouraged to bring their furs down to great annual fairs held at Three Rivers or Montreal, but gradually French traders penetrated the Great Lakes region, establishing themselves at various posts, among the more important of which were Niagara, Detroit, Michilimackinac, Sault Ste. Marie, La Baye, St. Joseph's and Vincennes⁹⁹. The French policy of control varied from time to time, but as a rule the trade of particular posts was farmed out to individuals with monopoly privileges. The *coureurs de bois*⁹⁹ or unlicensed traders presented a considerable problem during the 17th and early 18th centuries. As time went on, forts were built at many of the trading posts of the interior. During the French period, methods were developed which were taken over in turn by the British and Americans. Routes were explored, methods of transport developed, and a trained personnel including merchants and *voyageurs*⁹⁹ or *engagés* built up. Bitter rivalry grew up between the French and English traders from New York and Pennsylvania, and the struggle for the fur trade became one of the causes of the intercolonial wars, which finally resulted in the expulsion of French authority from the continent (see French and Indian War).

Following the capitulation of Montreal in 1760, and the fall of the interior posts, there was an influx of British merchants, including many Scotch, whose energy and ability led to rapid expansion of the trade during the next four or five decades. They took over the system built up by their predecessors, gradually supplanting the French merchants, and the furs exported from Canada were diverted to the great market of London. The British abandoned the system of government monopoly characteristic of the French regime, but there appeared a new trend toward economic monopoly, centered in the hands of a few great companies which arose during the last quarter of the 18th century. Of these concerns the North West Company⁹⁹ became by far the most powerful. During this period the "merchants of Montreal" extended their operations to the upper Missouri and into the region northwest of Lake Superior. The British refusal to surrender the Northwest posts to the United

States until 1796 strengthened their grip upon the trade of this vast country (see Border Forts, Evacuation of).

After 1796 American interests made a strong bid for commercial control and finally secured the trade south of the Canadian boundary, although British influence among the Indians remained strong until after the War of 1812. In 1795 the United States inaugurated a system of government factories (see Factory System, The Indian), in order to undermine British influence. Trading houses were set up at Detroit, Chicago, Green Bay, Mackinac, Sandusky, Fort Wayne, Prairie du Chien, etc. The system was never a great success, however, and was discontinued in 1822. The figure of John Jacob Astor looms large during the American period and from the close of the War of 1812 until his retirement in 1834 he virtually controlled the trade of the Great Lakes region within the United States. His American Fur Company⁹⁹ was chartered in New York state in 1808. There were successive reorganizations and by 1817 Astor's influence had become dominant on the American side of the boundary. In 1822 he set up the Northern and Western Departments, with headquarters respectively at Mackinac and St. Louis. In 1834 Ramsay Crooks took over the Northern Department, which continued under the name of the American Fur Company until it failed in 1842. While the Great Lakes fur trade continued sporadically thereafter, it was obvious by the middle of the 19th century that its great days were ended.

[Louise P. Kellogg, *The French Régime in Wisconsin and the Northwest*; W. E. Stevens, *The North-West Fur Trade, 1763-1800*; H. A. Innis, *The Fur Trade in Canada*; K. W. Porter, *John Jacob Astor*.]

WAYNE E. STEVENS

Fur Trade of New England. Trade with the Indians in the New England area began with the visits of explorers and fishermen to these shores in the early 1600's and continued throughout the colonial period, although it declined in importance following the period of King Philip's War⁹⁹. In fact, the economic basis of the earliest settlements, especially Plymouth⁹⁹, consisted largely in the fur trade. Though the early New Englanders were in no sense lacking in energy, the geographical situation tended to circumscribe their trading activities, preventing any considerable expansion. There were no great waterways leading to the interior of the continent and the presence of New Netherland⁹⁹, later New York, on the west, and New France⁹⁹ on the north, held New England trade in check, while the expansion of settlement exhausted the local

supply of furs. There was at first keen rivalry with the Dutch in the Connecticut Valley (*see* House of Hope) and in the 1630's traders from Massachusetts succeeded in breaking their monopoly. William Pynchon founded a post on the site of Springfield, and he and his son John dominated the fur trade of this region for many years. Meanwhile, Massachusetts traders were pushing up the Concord and Merrimac rivers and northeastward along the Maine coast, their trading posts often becoming centers for settlement. Simon Willard was one of the most prominent traders of the Merrimac region during the middle of the 17th century. The United Colonies of New England⁹⁰ (1643) had as one object the protection of the trading interests of its members. Overseas commerce came to absorb a relatively larger share of the energies of New Englanders, though the fur trade continued in the Maine country. From 1694 until the Revolution Massachusetts Bay attempted to limit the trade to government truck houses, which showed no commercial profit but probably aided in keeping peace with the Indians.

[F. X. Moloney, *The Fur Trade in New England, 1620-1676.*]

WAYNE E. STEVENS

Fur Trade of the Atlantic States. The trade in furs and coarser skins constituted an important element in the economic life of the seaboard colonies during the 17th and 18th centuries. As in New England, the first explorers and settlers took advantage of a traffic which afforded immediate returns. There was at first a tendency on the part of proprietary and governmental authorities to reserve the trade for themselves but it proved impossible to maintain an effective monopoly for any considerable period of time. Early settlers traded with the Indians as a side line to agriculture, but, owing to a need for capital and effective business methods, trade fell gradually under the control of the merchant class. Geographically, three fairly distinct regions are recognizable. There was New York, which dominated the Hudson-Mohawk route to the Great Lakes and the Northwest; secondly, the Pennsylvania-Virginia frontier and the Ohio Valley; and lastly, the area extending from the southern seaboard to the Mississippi, which was exploited by traders from the Carolinas and Georgia.

The trade of the New York area was established by the Dutch, monopoly rights being granted in turn to the New Netherland Company and the Dutch West India Company⁹¹, the latter chartered in 1621. Important posts were established at Fort Orange, later Albany, and the "House of Hope,"⁹² on the Connecticut. The

Dutch at Fort Orange laid the foundations of the long-continued trade with the Iroquois⁹³, who acted as middlemen for tribes farther west. The English took New Netherland in 1664 and continued the trade along much the same lines followed by the Dutch. They soon came into conflict with the French and the fur trade became a vital factor in the Anglo-French rivalry which ended only in 1763. Vigorous efforts were made to undermine the French commercial system and as a part of this program the English in 1722 established Oswego⁹⁴ to intercept the French trade with the interior. The English enjoyed a marked advantage in the form of cheap goods of superior quality, but the Albany merchants caused embarrassment by trading directly with the French at Montreal in spite of all regulations. After 1763 a considerable part of the New York trade was diverted to Canada, a trend which continued after the Revolution.

The Dutch and Swedes were pioneers in the fur trade of the middle region but were soon supplanted by the English. Traders from Virginia and Pennsylvania pushed forward during the 17th century, but Pennsylvania enjoyed the advantage of position in exploiting the Ohio region. By 1750 the traders' frontier had reached the Wabash and Maumee rivers, where the English clashed with the French (*see* French Claims in Ohio). Philadelphia and Lancaster became important centers of the Pennsylvania trade and prior to the Revolution large companies grew up, among them Baynton, Wharton and Morgan⁹⁵, and David Franks and Company. Traffic with the upper Ohio was largely by pack train.

As early as the 1670's and 1680's, traders from Carolina were pressing toward the South and West. After the founding of Georgia in 1733 they met with competition from that quarter. As time went on there developed a three-cornered rivalry among English, Spanish and French for the trade of the region extending to the Mississippi, which had important diplomatic repercussions. Deerskins constituted the most important item in this southern trade, and, as in the middle colonies, transport was largely by pack train. The peltry traffic of this region was more valuable than has sometimes been assumed and in time a considerable part of the business was taken over by Scotch merchants (*see* Pantton, Leslie and Company). As in the region to the northward, the advance of settlement following the Revolution spelled the doom of the fur trade.

[Peter Wraxall, *An Abridgment of the Indian Affairs Contained in Four Folio Volumes, Transacted in the Colony of New York, from the Year 1678 to the Year 1751*; C. A. Hanna, *The Wilderness Trail*; V. W. Crane, *The Southern Frontier, 1670-1732.*]

WAYNE E. STEVENS

Fur Trade of the Pacific Coast. *See* Canton, The Fur Trade with; China Trade; Sea-Otter Trade.

Fur Trade of the Rocky Mountains. The abundance and excellent quality of the furs to be obtained in the Rocky Mountains made this region, during the first half of the 19th century, the most attractive fur-trading area within the limits of the United States. Furthermore, the widespread activities of the fur traders were of great significance in exploring and making known an extensive region which might otherwise have long remained unknown and unoccupied. The trade was developed almost entirely by Americans. Frenchmen had pushed up the Missouri, and Spaniards had made a few attempts to trade for furs in the Southwest. But after the purchase of Louisiana and the return of Lewis and Clark^{qq}, Americans entered vigorously into the trade of the newly acquired region. In 1807 Manuel Lisa^q, of St. Louis, led an expedition up the Missouri and Yellowstone rivers and established a trading post at the mouth of the Bighorn River. The St. Louis Missouri Fur Company^q, founded in 1809, and the Missouri Fur Company, founded in 1814, extended their operations as far west as what is now southwestern Montana.

Before the Missouri Fur Company passed out of existence about 1830, a group of the most resourceful, energetic and picturesque men who ever pursued the fur trade under the American flag formed what was later known as the Rocky Mountain Fur Company^q. Beginning in 1822, these traders experienced two disastrous years along the Missouri River. Then, in 1824, they abandoned the river and the practice of establishing trading posts, struck out boldly into the mountains, and inaugurated the famous rendezvous (*see* Trappers' Rendezvous) at such places as Jackson Hole and Pierre's Hole^{qq}. In this group were such well-known "mountain men"^q as Jedediah S. Smith, Thomas Fitzpatrick, Kit Carson, David E. Jackson, Jim Bridger, and William L. and Milton G. Sublette.

For two years, from 1832 to 1834, the Rocky Mountain Fur Company engaged in bitter rivalry with Astor's American Fur Company^q, which had actively entered the fur trade of the upper Missouri a few years earlier. During this contest the fur trade exhibited its worst features. The Indians were debauched with liquor^q and instigated to attack parties of the rival's traders. In the end, the American Fur Company won out, and thereafter dominated the trade of the northern mountain area. It was this company which introduced steamboats on the upper Missouri River.

All the American traders met effective competition on the part of the Hudson's Bay Company^q west of the continental divide in the old Oregon country.

In addition to the companies already mentioned, several smaller groups and numerous individual "free trappers"^{qq} operated in the Rocky Mountain area. Some of these men, like Ceran St. Vrain and Charles and William Bent^q, erected forts or trading houses which were noted landmarks. Others, including Capt. Benjamin L. E. Bonneville^q, Nathaniel J. Wyeth, Jacob Fowler^q, Sylvester and James O. Pattie and Ewing Young, headed parties of traders who made extensive expeditions into the mountains.

The passing of the great days of the fur trade, around 1850, brought to a close one of the most colorful phases of the history of the Far West. The trappers and traders, with all their defects, were the pathfinders of civilization.

[Hiram M. Chittenden, *The American Fur Trade of the Far West*; Dan E. Clark, *The West in American History*.]

DAN E. CLARK

Fur Trade of the Southeast and Lower Mississippi. English traders from Carolina were already among the Indians on the Cumberland and Tennessee rivers when LaSalle claimed the Mississippi Valley for France in 1682, and by 1700 they were passing down these rivers to the Ohio and Mississippi. Jean Couture^q, whom Tonti had left in command of Arkansas Post in 1686, deserted the French service and became a leader of the Carolina traders. Permanent French settlement in the lower Mississippi Valley after 1699 brought on a struggle for control of the trans-Allegheny fur trade, and by 1717 the French had won over all important tribes except the Cherokee^q and deprived the Carolina traders of half their Indian traffic. The new French policy of inducing traders to take up agriculture, their exorbitant prices for European goods and their war with the Natchez^q, enabled British traders to recover their former position by 1730.

The establishment of Georgia in 1733 diverted some British fur trade from Charleston, previously its center. After Louisiana reverted to royal control in 1732, French traders operating from Mobile offered English goods to the Indians, thus regaining part of the fur trade during the following decade. Wars between England and France, 1744-63, severely handicapped the French fur traders, and the expulsion of France from the Mississippi Valley in 1763 (*see* Paris, Treaty of) left British traders without serious competitors in the entire region, though a small portion of the fur trade still centered in Spanish

New Orleans. From their new posts at Mobile, Pensacola and Manchac^{qv}, and their old ones in the Carolinas and Georgia, British traders controlled the southeastern fur trade until the close of the American Revolution. Though the Floridas became Spanish in 1783, British traders operating from Mobile and Pensacola (see Pantón, Leslie and Company) maintained a thriving fur trade despite American efforts to stop it. The Louisiana Purchase^{qv} of 1803 brought the fur trade centering in New Orleans under United States control, the War of 1812 loosened the hold of the British traders at Mobile and Pensacola, and the entire southeastern fur trade passed into American hands with the acquisition of the Floridas^{qv} in 1821. The fur trade gradually decreased in importance with the expansion of agriculture in the trans-Allegheny region, and virtually ceased as an organized activity in that quarter with the removal of the Indians beyond the Mississippi in the 1830's, though it still provides a livelihood for a considerable number of individuals.

[N. M. Miller Surrey, *The Commerce of Louisiana during the French Regime, 1699-1763*; Verner W. Crane, *The Tennessee River as the Road to Carolina, in Mississippi Valley Historical Review*, III.]

WALTER PRICHARD

Fur Trade on the Upper Mississippi and Missouri Rivers was inaugurated in the latter part of the 17th century by alert French hunters. As early as 1694, Frenchmen from Illinois began dealing with the Osage Indians^{qv}, which nation contributed more than any other to the profitable trade subsequently developed. French settlements were built up in Kaskaskia and Cahokia, about 1700, and in 1723 Bourgmont established Fort Orleans^{qv} on the Missouri, in present Carroll County, Mo. The French were active upon the plains west of the Mississippi striving to control the trade of the Indians between the Platte and Missouri rivers and the eastern limits of New Mexico. In 1763, when Great Britain acquired the territory east of the Mississippi, the French were carrying on trade by land and by water up the Mississippi, along the Wisconsin, Fox, Chicago and Illinois rivers to the Great Lakes, and up the Ohio to the Wabash Indians^{qv}. Under a license granted to Maxent, Laclede and Company^{qv}, Pierre Laclede Liguette moved up the Mississippi from New Orleans, reaching the present site of St. Louis^{qv} late in 1763, where he established a trading post the following year. He became the principal Indian trader, so that it was said "the whole trade of the Missouri, that of the Mississippi northwards, and of the nations near La Baye, Lake Michigan and St. Josephs by

the Illinois River, is entirely brought to him." (Hanna, *Wilderness Trail*, II, 48.) However, after the English took possession of the territory east of the Mississippi, in 1765, there was a general exodus of the French to the western shore, and during the time that country remained in British control their competition restricted traders operating from St. Louis principally to the Mississippi below the Des Moines, and the Missouri with its tributaries. After the British lost this territory to the American colonies the St. Louis traders moved again into the upper Mississippi and Missouri to fight it out with the North West and the Hudson's Bay Companies^{qv}. They had the advantage of a waterway to their hunting and trapping domain and also to New Orleans, to which their packs of furs were at that time taken for shipment to Europe.

In 1794 the Spanish Commercial Exploration Company was promoted by Lt. Gov. Zenon Trudeau to exploit the fur trade of the upper Missouri, combining the capital and energies of the most prominent merchants of St. Louis, and subsidized by the Spanish government to the extent of \$10,000. After the return of Lewis and Clark, the St. Louis Missouri Fur Company^{qv} was organized and many expeditions went forth from St. Louis up the Missouri. Other companies and individuals followed and forts were erected along the Missouri and its tributaries. After the death of Manuel Lisa^{qv}, who led most of the expeditions, and was the prime mover in the various reorganizations of the St. Louis Missouri Fur Company, John Jacob Astor entered the field successfully as the head of the American Fur Company^{qv}. He had failed in his earlier enterprises in the West. In 1834 Astor withdrew from the company and left the field largely to P. Chouteau^{qv}, Jr. and Company, which became the largest and most successful organization until its retirement in 1866. Conservatively speaking, the average annual value of furs received at St. Louis from 1808-47 was between \$200,000 and \$300,000, and from 1847-60 between \$300,000 and \$500,000.

[Hiram Chittenden, *American Fur Trade of the Far West*; Louis Houck, *Spanish Regime in Missouri, and History of Missouri*.]

STELLA M. DRUMM

Furniture. The chronicle of American furniture begins with the first settlement of the several colonies. As soon as houses were built, they had to be furnished; there were skilled joiners and other artisans amongst all the first colonists, and their handiwork met most of the furniture needs. Some of the domestic equipment was purely homemade, without benefit of the joiner's craft. Notwithstanding fables and flattering tradi-

tions, very little furniture was brought overseas in the first years of settlement; for household gear there was scant room on the small and crowded ships. It was not until some wealth had accumulated that any considerable amount of furniture was imported; even then, the importations were negligible in comparison with the quantity of furniture made locally. Stern necessity demanded self-reliance in providing on the spot what was needed; in the long run, this contributed to the excellence of American furniture and paved the way for the later productions of the Philadelphia, Boston and New York chair and cabinetmakers which equaled the best contemporary work in London.

From the beginning—whether in New England, the Middle Colonies or the South—the colonists required much the same domestic equipment to which they had been accustomed in the mother country. The Dutch also, and the Pennsylvania Welsh and Germans, showed like preference for their accustomed furnishings and either made or imported them at the earliest opportunity. In the English colonies, the people faithfully adhered to the styles current in England and, both in the nature of the pieces and in their design, the articles of furniture ran closely parallel on both sides of the water, although there was not always as much variety in America and also certain types—such as highboys, for example—enjoyed wider and longer popularity in America. As an instance of the prevalent colonial desire to keep pace with fashions in England may be mentioned George Washington's repeated instructions to his London factor to purchase for him such articles of furniture or clothing as were then "fashionable."

In New England and the Middle Colonies great quantities of furniture, from the earliest times to the middle of the 19th century, have been preserved. In the South, unfortunately, very little of the 17th-century furniture remains. The wealth of the planters led them to discard it, when they got newer furniture, and it disappeared. Moreover, their wealth, the local difficulties of land transportation and easy communication with England in the 18th century prompted them to import much, if not most, of their household equipment. It was not until after the middle of the 18th century that skilled chair and cabinetmakers in Baltimore, Annapolis and Charleston were able to supply furniture that could compete with that imported from London. During all this time, the Middle Colonies and New England had depended almost wholly on local cabinetmakers and had no cause to regret so doing.

For the most significant differences between American and English furniture we must look (1) to differences in the materials ready to hand and (2) to the individuality of local cabinetmakers and their natural spheres of influence. As instances of the first, we may point to the abundant supply of black walnut in America, likewise maple, both straight and curly, as well as plentiful cherry, pear, apple and gumwood, which later was known as bilsted; a common use of excellent white pine for the sides and bottoms of drawers, the backs of cabinetwork and other purposes for which oak was generally employed in England, to say nothing of the simpler and very beautiful furniture made wholly of pine; and the ready availability of mahogany in the colonies earlier than in England. In the second place, the personalities and tastes of individual chair and cabinetmakers, their zones of activity, and popular local preferences account not only for sundry distinctions between American and English furniture, but also for differences characteristic of the several parts of America, such as the obvious diversities between the 18th-century furniture in Puritan New England and in Quaker Pennsylvania. Even the general use of English cabinetmakers' pattern-books after the middle of the 18th century failed to obliterate local trends of interpretation. Furthermore, the greater wealth of England during the colonial period explains why a few English pieces were more sumptuous and elaborate than many of their American counterparts.

American local characteristics were further accentuated by such typical articles as the Dutch *kas* or large wardrobe, to which corresponded the *schränk* amongst the Pennsylvania Germans. Dutch influence, though confined mostly to New York and north Jersey, nevertheless extended somewhat into Connecticut, especially in chair design. The Pennsylvania Germans were tenacious of their traditional forms, their gay painted decorations on bride-chests, bride-boxes and dressers, and they freely adapted what they learned by acquaintance with pieces of American or English provenance, but their styles remained localized.

[Luke Vincent Lockwood, *Colonial Furniture in America*; Charles Over Cornelius, *Early American Furniture*; R. T. Haines Halsey and Elizabeth Tower, *The Homes of Our Ancestors*; Thomas Hamilton Ormsbee, *The Story of American Furniture*; Russell Hawes Kettell, *Early American Rooms*; H. D. Eberlein and Abbot McClure, *Practical Book of Period Furniture*; William MacPherson Hornor, *Blue Book of Philadelphia Furniture*; Harrold Edgar Gillingham, *The Philadelphia Windsor Chair and Its Journeyings*; Alfred Coxé Prime, *The Arts and Crafts in Philadelphia, Maryland and South Carolina*; George Francis Dow, *The Arts and Crafts in New England*; Charles Over

Cornelius, *Furniture Masterpieces of Duncan Phyfe*; Irving Whittall Lyon, *The Colonial Furniture of New England*; Wallace Nutting, *Furniture of the Pilgrim Century*; Esther Singleton, *The Furniture of Our Forefathers*; E. S. Holloway, *American Furniture and Decoration*; Henry Hammond Taylor, *Knowing, Collecting and Restoring Early American Furniture*; John Swarbrick, *Robert Adam and His Brothers*; Robert and James Adam, *Works in Architecture of Robert and James Adam, Esquires*; Percy Macquoid, *History of English Furniture*; Herbert Cescinsky, *English Furniture of the Eighteenth Century*, sundry numbers of *Antiques* and of *The American Collector*; Bulletins of the Metropolitan Museum of Art, the Boston Art Museum and the Pennsylvania Museum of Art; also the Pattern-Books published in the 18th century by the great cabinetmakers and designers, Thomas Chippendale, George Hepplewhite, Shearer, Sheraton, Ince and Mayhew and R. Manwaring.]

HAROLD DONALDSON EBERLEIN

Furusetth Seamen's Act. See LaFollette's Seamen's Act.

G. A. R. See Grand Army of the Republic.

G-Men. See Federal Bureau of Investigation.

Gabriel's Insurrection (1800) was a conspiracy of Gabriel and other slaves near Richmond, Va., to seek freedom. The plot was revealed and the conspirators arrested before they could strike. Fear spurred the state to begin negotiations to the end of acquiring lands "whither persons obnoxious to the laws or dangerous to the peace of Society may be removed." Though unsuccessful in this early attempt, Virginia later supported generously the American Colonization Society^o.

[T. M. Whitfield, *Slavery Agitation in Virginia, 1829-32.*]

THEODORE M. WHITFIELD

Gadsden, Fort (Fla.), located on the east bank of the Apalachicola, fifteen miles above its mouth, was built by Andrew Jackson, March, 1818, during his invasion of Florida (see Arbuthnot and Ambrister, Case of). It was maintained by the United States through the remainder of the Spanish occupancy of Florida.

[*American State Papers, Military Affairs*, I, 698.]

R. S. COTTERILL

Gadsden Purchase. The treaty of Guadalupe Hidalgo^o (1848) did not settle the "Mexican Question." The United States was soon charged with not enforcing Article XI which promised Mexico protection from inroads of American Indians. A boundary-line dispute also arose involving territory held necessary by some Americans for a southern railroad route to the Pacific Ocean. Diplomatic tension was increased by activities of American speculators in Mexico. In

1849 P. A. Hargous of New York City purchased the Garay grant made in 1842 by the Mexican government for opening a communication across the Isthmus of Tehuantepec. This concession was nullified in 1851 by Mexico, but in 1853 A. G. Sloo was given an almost identical grant. Both Hargous and Sloo demanded American protection for their concessions.

In July, 1853, James Gadsden, minister to Mexico, was instructed by President Pierce to make a treaty not only settling the issues involved but also securing territory sufficient for the proposed southern railroad route. Financial needs of the Santa Anna administration aided negotiation of a treaty whereby territory in northern Mexico was sold to the United States. Article XI was abrogated, but the United States was to aid in suppressing Indian depredations. For these concessions the United States was to pay Mexico \$15,000,000 and assume all claims of its citizens against Mexico, including the Hargous claim. The United States promised to co-operate in suppressing filibustering^o expeditions.

The treaty met strong opposition in the Senate. Antislavery senators opposed further acquisition of slave territory. Lobbying by speculators gave the treaty a bad reputation. Some senators objected to furnishing Santa Anna financial assistance. The Senate, by a narrow margin, ratified the treaty on April 25, 1854, but only after reducing the territory to be acquired to that considered essential for the railroad route. Article XI was abrogated without reservations. All mention of private claims and filibustering expeditions was deleted. The payment to Mexico was lowered to \$10,000,000 and an article was inserted promising American protection to the Sloo grantees. A combination of the advocates of the southern railroad route and the friends of the Sloo grant made ratification possible.

By the Gadsden Treaty the United States secured 45,535 square miles of territory. This tract became known as the Gadsden Purchase and now comprises the southern part of Arizona and New Mexico.

[Paul Neff Garber, *The Gadsden Treaty.*]

PAUL NEFF GARBER

Gag Rule, Antislavery. On May 26, 1836, the House of Representatives adopted a gag rule to hold back the flood of antislavery petitions which rushed in upon it following the growth of antislavery sentiment and the formation of the American Anti-Slavery Society^o in 1833. The gag rules, variously phrased, prevented discussion of antislavery proposals. Originally adopted

by Southerners with the aid of Northern Democrats, the gag rule was repealed Dec. 3, 1844, after the Northern Democratic support had fallen away. The gag rule strengthened the antislavery⁷⁷ movement by adding the issue of deprivation of the right of petition⁷⁸ to the ordinary antislavery arguments.

[G. H. Barnes, *The Antislavery Impulse, 1830-1844.*]

ROBERT P. LUDLUM

"Gag Rules" are designed to facilitate the passage of bills which the majority leaders of the House of Representatives wish to consider. They take the form of special orders of business, limit the time of debate, the form and number of amendments that may be offered, and force the final vote on the measure in the exact form desired by the party leaders. The support of a majority of the House is necessary to adopt a special order (gag rule). Moving the previous question also may have a similar effect. The practice does not obtain in the Senate nor in the upper house of state legislatures. The lower houses of most legislatures utilize gag rules, although less efficiently than the House of Representatives.

[J. P. Chamberlain, *Legislative Processes*; P. D. Hasbrouck, *Party Government in the House of Representatives.*]

THOMAS S. BARCLAY

Gaines, Fort, on the eastern end of Dauphine Island⁷⁹, was erected in 1822 to guard the entrance to Mobile Bay. In 1861 it was seized by Alabama troops and held by the Confederacy until it was recaptured by Union troops in 1864. In 1898 the fort was recommissioned, but is now abandoned.

[T. McA. Owen, *History of Alabama and Dictionary of Alabama Biography.*]

HALLIE FARMER

Gaines Case, **THE**, probably the longest lawsuit known to American jurisprudence, was instituted in 1834 by Myra Clark (then Mrs. Whitney; later Mrs. Gaines) to recover property in New Orleans allegedly alienated illegally from the estate of her father, Daniel Clark. The issues were Myra's legitimacy, and the validity of Clark's will made in 1813 and assertedly destroyed by his executor, Relf. Both points were eventually decided in Myra's favor, and in 1877 the nonexistent will was admitted to probate. During her lifetime Mrs. Gaines recovered property approximately worth \$250,000. In 1890, five years after her death, the so-called Blanc Tract suit was decided against New Orleans, and four years later the city paid the Gaines heirs \$1,925,667. This terminated the litigation, which

throughout its progress had disturbed real-estate titles in New Orleans and retarded the development of the community.

[Kendall, *The Strange Case of Myra Clark Gaines*, in *Louisiana Historical Quarterly*, January, 1937.]

JOHN S. KENDALL

Gaines' Mill, Battle of (June 27, 1862). After the opening of the Seven Days Battles⁸⁰ at Mechanicsville and Beaver Dam Creek on June 26, the Federal right wing north of the Chickahominy under Gen. Fitz-John Porter was withdrawn by McClellan (U.) to high ground east of Gaines' Mill and south of Cold Harbor—this because of knowledge that Lee (C.) had sent Jackson's corps on a northward flanking detour. Lee attacked with the major portion of his army shortly after noon on June 27. When Jackson, who had moved with inexplicable slowness, arrived in midafternoon, Lee had approximately double Porter's numbers; but with the latter in a strong position, the battle was evenly and desperately waged for several hours. Just before dusk the Confederates pierced the Federal line at one point and captured twenty-two guns. That night Porter's force was withdrawn to the south side of the Chickahominy. The Union loss was 6800, the Confederate probably larger.

[*Battles and Leaders of the Civil War*, Vol. II.]

ALVIN F. HARLOW

Gaines' Trace was an Indian trail later (1810) made into a "highway" for the transportation of government merchandise by the factor at St. Stephens⁸¹, George S. Gaines, who had experienced difficulty with Spanish revenue authorities at Mobile⁸². The trace began at Colbert's Ferry on the Tennessee River near the Muscle Shoals⁸³ and followed "the divide" through to Cotton Gin Port on the Tombigbee, from which goods were floated downstream to St. Stephens or carried westward to the Natchez Trace⁸⁴.

[Dunbar Rowland, *Mississippi.*]

JAMES W. SILVER

Galápagos Islands, THE. The strategic importance of this archipelago, lying some 600 miles off the coast of Ecuador, was realized as early as the Pierce administration. Rumors of French and British interest (1862-66, 1892, 1899-1902) kept American diplomats alert. The United States desired a coaling station there, and the Venezuela and Panama⁸⁵ crises (1902-3) aroused Ecuadorian fear that the United States would seize the archipelago. In 1906 and 1911 negotiations failed, largely because of popular opposition in Ecuador. Unless recent (1939) rumors have

foundation, the policy of the United States continues to be the one expressed by the State Department in 1906: "... we don't want them ourselves and won't allow any... [other] power to acquire control of them."

[State Department Archives; W. E. Curtis, *Between the Andes and the Ocean*; William Beebe, *Galapagos: World's End*; New York Times, June 27, Oct. 23, 1930.]

E. T. PARKS

Galena-Dubuque Mining District is located in southwestern Wisconsin, northwestern Illinois, and Dubuque County, Iowa. Perrot first mined lead here in 1690. Indians and white men mined intermittently prior to the American Revolution when Jean Cardinal commenced operations on the west bank. Cardinal fled to St. Louis²⁷ in 1780 to warn of an impending British attack and died in defense of that city. The Fox Indians²⁸ granted Julien Dubuque permission to work the mines in 1788. Eight years later he received a Spanish land grant of princely extent. When he died in 1810 the Foxes prevented his creditors from continuing operations. It was not until June 1, 1833, that miners returned to Dubuque. Meanwhile, as early as 1810 Henry Shreve took a barge of lead to New Orleans from the Fever (Galena) River mines where the Indians that year melted 400,000 pounds. George Davenport floated the first flatboat cargo downstream in 1816. The first government leases to mine lead at the Fever River settlements were granted in 1822. Galena dominated the scene during the first quarter-century when about 472,000,000 pounds of lead valued at approximately \$14,178,000 was shipped downstream. Then Dubuque became the mining metropolis.

[W. J. Petersen, *Steamboating on the Upper Mississippi*.]

WILLIAM J. PETERSEN

Gallatin's Report on Manufactures was sent to the House of Representatives on April 10, 1810, in response to a request in 1809 for him to give, as Secretary of the Treasury, his opinion as to the best plan for encouraging manufactures. He suggested moderate increases in the protective duties, the rates to hold for a certain period so that the manufacturers could count on them. To supply capital he suggested that the United States should issue its obligations and lend them to the manufacturers.

[Edward Stanwood, *American Tariff Controversies in the Nineteenth Century*.]

JAMES D. MAGEE

Gallatin's Report on Roads, Canals, Harbors and Rivers (1808). The young nation was so deficient in avenues of transportation, roads being practically impassable several months in the

year, that political disintegration was gravely feared. So insistent were the demands for improvement that, acting upon a Senate resolution of 1807, Secretary of the Treasury Albert Gallatin prepared this able analysis and program. It urged the building by the National Government of a series of near-coastal canals²⁹ along the Atlantic seaboard from Massachusetts to the Carolinas; communication between the Atlantic and Midwestern rivers, also with the St. Lawrence and Great Lakes; and thirdly, interior canals and roads³⁰. He thought all the improvements could be made for \$20,000,000, and as the Treasury was steadily accumulating a surplus, the debt could be paid off in ten years. This, the first suggestion of the sort in our history, was bitterly denounced by many, and President Jefferson himself did not believe the idea constitutional. While the subject was being debated, the War of 1812 approached and stopped all thought of the projects. Afterwards they were brought up again and four roads were built, but no canals. However, Gallatin's report was prophetic in that several of the works he advocated were later completed by private enterprise.

[Balthasar H. Meyer, Caroline E. MacGill and others, *History of Transportation in the United States before 1860*.]

ALVIN F. HARLOW

Galley Boats on the Ohio. The use of the term "galley boat" was applied to small shiplike craft designed to use both sails and oars—the same craft known on the river in the two decades after 1800 as barges. The French and Spanish maintained galleys on the Mississippi for military purposes. James Willing's *Rattletrap*³¹ with which in 1778 he began his famous raid on the lower Mississippi was probably a galley boat. In the same year George Morgan built six gunboats at Pittsburgh which may have been galleys. George Rogers Clark used a small row-galley, the *Willing*³², in his Vincennes expedition in 1779 and in 1782 he built a larger galley, the *Miami*, to aid in preventing British and Indian parties from crossing the Ohio. It was seventy-three feet in keel and had forty oars. The galley *Mayflower* in which the settlers of Marietta³³ descended the Ohio was probably a modified flatboat. During the troubles with France and Spain at the close of the 18th century the Federal Government built two galleys, the *President Adams* and the *Senator Ross*, which were launched at Pittsburgh, respectively in 1798 and 1799. Other gunboat-galleys were built at various points in the West during the next decade.

[L. D. Baldwin, *Keelboat Age on Western Waters*.]

LELAND D. BALDWIN

Gallipolis, an early Ohio settlement, was founded in 1790 by French immigrants. Lured by glowing, but fictitious accounts of the Ohio region, and holding fraudulent land titles innocently purchased from the Scioto Land Company^{qv}, about 600 prospective settlers, called "The French Five Hundred," sailed from Havre. Upon disembarking at Alexandria, Va., they learned the true facts and the company disbanded. Some, however, determined to go on and were transported to a site on the right bank of the Ohio River about three miles below the mouth of the Great Kanawha. Here some cabins had been erected for them by Marietta^{qv} settlers. The first two years were precarious ones, and the number was reduced by migration to other Western settlements and to Eastern cities. In 1795 Congress reimbursed about 100 of those who remained, with tracts of land located in the present Scioto County, Ohio (*see French Grants*).

[T. T. Belote, *The Scioto Speculation and the French Settlement at Gallipolis*.]

JOSEPH E. HOLLIDAY

Galloway's Plan of Union, submitted to Continental Congress^{qv} on Sept. 28, 1774, was an attempt on the part of the moderate element in that body to settle the conflict between England and her colonies by the establishment of an American legislature which should have authority over all American imperial and intercolonial affairs, civil, criminal and commercial. Its organs of government were to be a President General appointed by the King, and a Grand Council chosen by the colonial assemblies^{qv}. The distinctive feature of this plan was that the legislature was to be considered a branch of the British Parliament and the assent of both bodies necessary to make laws governing the colonies valid. Congress rejected it by the vote of one colony.

[S. E. Morison, *Sources and Documents Illustrating the American Revolution*.]

VIOLA F. BARNES

Galphin Claim, THE, was for goods, in the amount of £9791, supplied to Creek and Cherokee Indians^{qv} prior to 1773. Claim for payment passed through various hands, and in 1849 the principal was paid by the Treasury Department. In 1850 the interest, amounting to \$191,352, was paid under circumstances so unusual that, except for President Taylor's death at this particular moment, the entire Cabinet would probably have been dismissed.

[U. B. Phillips, *The Life of Robert Toombs*.]

HOLMAN HAMILTON

Galveston, Texas, Loss and Recapture of (1862, 1863). A United States naval squadron,

engaged in the enforcement of the blockade along the Gulf coast, forced the Confederates to evacuate Galveston in October, 1862, and enabled Federal troops to occupy the island just before Christmas. On New Year's Eve Gen. Magruder, Confederate commander of the District of Texas, attacked the Federal vessels in Galveston harbor with two steamers which had been brought down from Houston and whose decks were protected with cotton bales. At the same time about 1000 Confederates with cannon crossed the Bay and attacked the garrison by land. The Federals surrendered the island, and their ships were captured, driven off, or destroyed.

[L. W. Newton and H. P. Gambrell, *A Social and Political History of Texas*.]

L. W. NEWTON

Galveston Pirates, THE, were bands of lawless men, many of them former Baratarian pirates^{qv}, and other restless adventurers who found Galveston Island an ideal place for their headquarters during the disturbed times when revolution was shaking Mexico and Spain's North American empire was crumbling. To give a semblance of legality to their practices, they swore allegiance to the revolutionary government of Mexico and pretended to be privateers engaged in capturing Spanish merchant vessels; but in reality they were slave traders and pirates. Their first leader was Luis Aury, who appeared in 1816 and was later joined by Capt. Perry, a survivor of the Gutierrez-Magee expedition^{qv}. These men abandoned the island in November, 1816, but their place was taken by Jean Lafitte, the most notorious of the Gulf pirates, whose establishment soon harbored nearly 1000 desperadoes. A United States naval vessel put an end to their activities in 1821.

[G. P. Garrison, *Texas*.]

G. T. NEU

Galveston Storm, THE (Sept. 8, 1900). Although the United States Weather Bureau posted telegraphic bulletins daily, from Sept. 4, on the progress of a tropical cyclone moving slowly westward in the Gulf, the storm broke over the city of Galveston on the morning of Sept. 8 before the populace realized its approach. The wind and rain mounted in velocity throughout the morning and early afternoon, and by 4 P.M. the entire city was under from one to five feet of water. All connections with the mainland were severed by 5:15 P.M. when the weather bureau wind gauge registered a velocity of ninety-six miles an hour just before it was ripped from its perch on a five-story office building. Yet the climax was not reached until 8 P.M. when the

wind, now blowing at an estimated 120 miles an hour, shifted for the last time from east to southeast, whereupon a tidal wave four to six feet in height swept across the city, piling up a great wall of crushed homes and buildings almost half a mile inland from the Gulf. The greater part of the estimated loss of 5000 lives occurred at this time. The storm abated after midnight and Sunday, Sept. 9, dawned calm and clear. The work of burying the dead was complicated by the heat of the sun and large-scale cremation finally was resorted to. Construction of a fifteen-foot seawall and a hydraulic fill of most of the city resulted from the experience of the storm. The Galveston Plan of city government evolved from efforts of the citizens to solve municipal difficulties brought on by the calamity (see Commission Government).

[Files of the *Galveston Daily News*; the *Texas Almanac*; the *Dallas Morning News*.]

SAM ACHESON

Gambling. The first extensive public gambling in the United States was by means of the lottery. In early colonial times lotteries^o were private enterprises, but by 1750 they had become an integral part of public financing, and were operated for the benefit of municipalities, churches, public utility companies and schools. Many famous colonial churches owe their existence to lotteries, among them the First Baptist Church of Providence, R. I., where the commencement exercises of Brown University are held. Columbia University was founded with the proceeds of a lottery, and Harvard, Dartmouth and other schools likewise profited by these schemes. The lottery was legally abolished in New York in 1834, and by 1850 lotteries were illegal everywhere in the country except a few Southern states, where they were retained until a few years after the Civil War. The last and best known of the legal lotteries was the Louisiana Lottery^o.

An outgrowth of the lottery, policy, which was originally called lottery insurance, is today, and has been for almost 100 years, the most widespread form of gambling in America. Like all other forms of public gaming, policy continues to exist through the favor of corrupt politicians and police departments. In the main the game is controlled by racketeers, whose annual take from this source has been estimated at \$300,000,000. In popularity and volume of business policy's only rival is horse racing^o. In several states betting on the races is now legal if done at the tracks, but it is principally carried on through illegal handbooks and pool rooms, which flourish in virtually every city.

The fountain head of gambling by means of

dice, cards and mechanical contrivances in this country was New Orleans. The most popular of gambling games, faro, roulette, poker and craps, all of foreign origin, entered America through that city, and there the first houses exclusively for gambling were opened about the time of the Louisiana Purchase. From New Orleans the professional sharper moved northward along the Atlantic Coast to Baltimore, Washington, New York and other Eastern cities; up the Mississippi and Ohio rivers to Cincinnati, St. Louis, Chicago, and the Middle West; and into the West and Southwest as these areas were opened to settlement. The most picturesque and spectacular of these gamblers were those who operated on the Mississippi River steamboats. River gambling suffered a setback in 1835, when mobs of vigilantes lynched five sharpers at Vicksburg and drove gamblers from Natchez, Memphis and other river towns, but it was revived in the early 1840's and reached its peak in the 1850's. During the decade before the Civil War 2000 professional gamblers regularly worked the boats between New Orleans and St. Louis.

The early gambling houses were small and crudely furnished, but by the late 1820's they had begun to give way to the palatial resorts which remained a feature of American cities until after the turn of the 20th century. The finest gambling house in American history was probably the Club House at Saratoga Springs, N. Y., established in 1867 by John Morrissey, champion heavyweight pugilist, co-leader of Tammany Hall, and member of Congress; and owned from 1894 to 1906 by Richard Canfield, most celebrated of American gamblers. Canfield also owned a noted house in New York, which was closed in 1901 by District Attorney Jerome in his famous crusade against gambling. The play at Canfield's houses was the highest in the world, with roulette limits twice as high as at Monte Carlo.

[Herbert Asbury, *Sucker's Progress, An Informal History of Gambling in America*.]

HERBERT ASBURY

Game, Wild, Early Abundance of. Before the penetration of North America by the Europeans, the continent was filled with an almost incredible profusion of wild game. It was the hunter's paradise. Game birds of many types were to be found. In the Mississippi Valley the prairie-hen was the dominant type. Partridge and quail were found over most of the country. Pigeons, particularly the passenger pigeons, were to be found in the northerly states as were the wading and water birds such as the geese, swan, ducks and the crane. The turkey, an exclusive product of

the Americas, existed in abundance from New England to southwestern United States. The carnivores like the wolves, the panthers, the coyotes, the bears, the mountain lions and the lynxes were to be found almost everywhere. Deer were to be found from coast to coast. The small fur bearers, such as the beavers, the muskrats, the fishers, the martens, the minks and the foxes, were plentiful in most sections of the country. East of the Mississippi, the skunk, the coon and the squirrel were to be found in vast quantities. In the plains were millions of buffalo^o, while in the Rockies and in the Pacific Northwest existed such a variety that the region became the battle ground of the fur traders. In no continent, save possibly Africa, has there been such an abundance of wild game.

[E. W. Nelson, *Wild Animals of North America*; W. T. Hornaday, *The American Natural History*.]

JOHN T. GANOE

Gangsters. The term is used synonymously by law-enforcement officers with the terms "criminals," "hoodlums," "members of mobs," and, in general, with men and women who are involved in rackets, robberies, aggravated assaults, burglaries, rape, extortion, kidnappings and murders.

There are over 4,750,000 criminals in the United States today (1939). This number has been constantly increasing and the activities of this horde are ceaseless. It has been conservatively estimated that 122 aggravated assaults, 23 rape violations, 33 murders, 2258 larcenies, 814 burglaries, 516 auto thefts and 162 robberies occur every day in the United States. The cost to the United States as a nation is estimated to be over \$15,000,000,000 annually. This is an average of approximately \$120 per year per person.

Gangsters have become well organized and operate on a national scale, utilizing speedy cars, airplanes and high-powered weapons of all types. Gangsters have built up defense funds to be used in the event of capture, and lawyers have been retained by gangs before jobs were actually undertaken so that the gangs would have legal assistance at all times.

The national scope of the operations of gangsters has brought about a closer co-operation among local, state and Federal law-enforcement agencies, an important aid being fingerprints, which cannot be successfully forged. The Federal Bureau of Investigation^o has built up an Identification Unit in Washington, D. C., which serves as a central repository for fingerprints received from law-enforcement agencies throughout the entire country. At present there are over 10,500,000 fingerprints on file, constituting the

largest collection of fingerprints in the world. The Federal Bureau of Investigation has also established a Single Fingerprint File, which is definitely limited due to technical reasons pertaining to criminal investigations. The prints in this file were selected because the gangsters had been arrested for or convicted of kidnapping, extortion, bank robbery or bank burglary, or had known gang affiliations. On May 1, 1939, there were 14,093 gangsters represented in the Single Fingerprint File.

JOHN EDGAR HOOVER

Garcés-Anza Route, THE, from Sonora to southern California, was based on discoveries in 1771 of Father Francisco Garcés and in 1773 of the Indian, Tarabal. It was completely traversed, Jan. 8, 1774–May 26, 1775, when Garcés and Juan Bautista de Anza proved its practicability and thereby made possible the celebrated Anza Expedition^o.

[C. E. Chapman, *History of California—Spanish Period*]

OSGOOD HARDY

Garcia, The Message to, is a highly romanticized legend popularized by Elbert Hubbard's article in the *Philistine*, March, 1899. According to Hubbard's account President McKinley, shortly after the outbreak of war with Spain, wanted to send a message to Gen. Calixto Garcia, the Cuban revolutionary, whose whereabouts was unknown. Some one said: "There is a fellow by the name of Rowan who can find Garcia if anybody can." Then follows in the Hubbard account a series of trite observations on overcoming obstacles. In actual fact Lt. A. S. Rowan set out for Jamaica early in April, 1898, with Lt. Henry H. Whitney on a mission of inquiry about the size and location of Spanish and Cuban forces. When the war broke out Whitney went to Puerto Rico to secure information, and Rowan crossed to Portillo, Cuba, with the aid of Cuban sympathizers. He met Garcia on May 1, 1898, at Bayamo, conferred with him, left Cuba May 5 near Nuevitas and was picked up by sponge fishermen. He finally made his way to Washington with valuable messages from Garcia. The important part of his mission was the information he brought from Cuba.

[F. E. Chadwick, *Relations of Spain and the U. S.*, Vol. II.]

H. A. DEWEERD

Gardening. Earliest settlers in this country brought with them seeds of plants with which they were familiar in their own countries. In New England, settled by Pilgrims and Puritans, early gardens, directly traceable to English influence, were like little orderly cottage gardens

of the mother country. Around New York where the Dutch settled, each home had "a patch of cabbages, a bit of tulips." William Penn's wisdom ordained in 1682 that the city of Philadelphia be developed as "a greene country towne," with grounds on the sides of each home for gardens. Georgia was settled with an eye to gardening possibilities, and with the thought of its being a center for a silk industry, so that before the colony was ever established, plans for a nursery were drawn up, with emphasis laid on the mulberry. The Trustees' Garden in Georgia, established about 1733 to make experiments for improving agriculture and increasing botanical knowledge, was the first economic test garden in the world. Florida's early gardens showed traces of their formal Spanish background, featuring water and little enclosures.

In old Philadelphia, center of American culture, we logically find the earliest botanists²⁰ and botanical gardens. John Bartram there established the first botanical garden in America, about 1731. His contributions to England of living roots and seeds of new and rare plants aggregated nearly 200 different varieties. Adam Kuhn, of the College of Philadelphia, was the first to teach botany regularly in this country. In New York, Cadwallader Colden, with an extensive garden on Long Island, wrote the first treatise on the flora of New York. David Hosack (1769-1835), professor at Columbia College, gave New York the Elgin Botanical Garden on the site of Rockefeller Center. This garden's first catalogue (1806) listed some 2000 different plants. Harvard Botanical Garden, established about the same time, contributed to the knowledge of new and unusual plants for New England.

Horticultural societies started as early as 1785 in Philadelphia and South Carolina, and spread through the country. Eighteen twenty-nine saw our first public exhibition, leading eventually to market fairs and flower shows. In 1820 came the idea of the model farm in each county, from which grew the modern Experiment Station and Agricultural College. Until the early 19th century, America was shipping its newly found plants to Europe. Then American horticultural societies began importing newly found plants from distant lands for American gardens.

Since the precedent for garden design in the colonies was drawn from England, most of the early gardens were formal in major lines, yet they were extremely simple. Box hedges binding the terraces, turf squares bordered with flowers, box-edged paths, fruit trees in prim rows—these were typical of the early gardens. Then, for the generations when men's minds were focused

upon politics, industry, letters, invention, gardens became collections of plants, purely horticultural, lacking in design; gardening was regarded as a craft rather than an art.

Following the long reign of the formal idea, naturalistic gardens began to appear about 1850, helped by the preaching of Andrew Jackson Downing. Two of America's most famous gardens today are Middleton Place and the Magnolia Garden, in South Carolina. These feature great magnolias, camellias, crape myrtles, azaleas (see Charleston Gardens).

Outstanding names in America's roster of botanists, horticulturists and gardeners include Martha Daniel Logan (author of *Gardener's Kalender*), William and John Bartram, Adam Kuhn, Benjamin Smith Barton, George Washington (Mount Vernon garden), Thomas Jefferson (Monticello garden), Thomas Nuttall, David Douglas, Asa Gray, John Torrey, Charles S. Sargent, Ernest H. Wilson.

A current contribution to gardening is the American "roof garden," modern equivalent of the hanging gardens of Babylon. Outstanding is the work of American women in organized clubs toward town improvement, roadside development, junior gardening, conservation.

[L. and J. Bush-Brown, *Portraits of Philadelphia Gardens*; E. S. Rohde, *The Story of the Garden*, Alice Morse Earle, *Old Time Gardens*, Mrs. L. V. Lockwood, *Gardens of Colony and State*, Richardson Wright, *The Story of Gardening*, *History of the Massachusetts Horticultural Society*.]

DOROTHY BIDDLE

Gardiner Award, THE, was a fraudulent claim granted by the commission established under the Treaty of Guadalupe Hidalgo²¹ (1848) to settle outstanding claims of Americans against Mexico. Dr. George A. Gardiner asked \$500,000 for loss of mining property in San Luis Potosi during the Mexican War. The commission awarded \$428,747 50 to Gardiner and W. W. Corcoran (an assignee in good faith), and also \$153,330 to John O. Mears, an accomplice. Because the case seemed to involve prominent political leaders, Congress authorized investigations in 1852. The House committee cleared the Secretary of the Treasury (Corwin) from charges of collusion. The Senate committee found conclusive evidence that the case was a fraudulent fabrication. Gardiner was convicted of forgery and perjury, and immediately committed suicide. The United States eventually recovered \$250,000, by 1859. (See also American-Mexican Mixed Claims Commissions.)

[J. B. Moore, *Digest of International Arbitrations*; F. S. Dunn, *Diplomatic Protection of Americans in Mexico*.]

HAROLD E. DAVIS

Gardiner's Island (N. Y.) was purchased in 1639 and occupied before purchase by Lion Gardiner, who came to America in 1635 to build the fort at Saybrook^o. The Indian deed of May 3, 1639, states the consideration was "ten coats of trading cloath." Later Gardiner received from the Earl of Stirling, who had proprietary rights through the Council for New England^o, a grant to the island. Title to the island has never gone out of the Gardiner family. There have been fifteen proprietors. On Sept. 11, 1686, Gov. Dongan of New York, acting for King James II, not only confirmed the former grants to Gardiner's Island but also erected it into a manor to be called the "Lordship and Manor of Gardiner's Island." David Gardiner, son of Lion, thus became first Lord of the Manor. His son, John Gardiner, in 1699 entertained Capt. Kidd, who hid much treasure on the island. Among the listed articles, taken by Gardiner to Gov. Bellomont in Boston, are 1100 ounces of gold and 2400 ounces of silver, seventeen ounces of diamonds and rubies, not including sixty-seven specially listed rubies and a boatload of other goods.

[H. P. Hedges, *A History of the Town of East Hampton*; William S. Pelletreau, *History of Long Island*.]

MORTON PENNYPACKER

Garfield-Blaine-Conkling Controversy. During Hayes' administration Sen. Roscoe Conkling of New York quarreled openly with the President, who denied the senator's claim, under the custom of "senatorial courtesy,"^o to control all Federal appointments in his state. When J. A. Garfield, Hayes' spokesman in Congress, was nominated in 1880, Conkling refused to support the ticket until assured that Garfield would "consult" him about appointments. Garfield's selection of J. G. Blaine for Secretary of State stirred Conkling's apprehension and when the President, while "consulting" him as promised, ignored "senatorial courtesy" and went outside the senator's list to recognize the anti-Conkling wing by nominating W. H. Robertson for Collector of the Port of New York, he suspected Blaine's influence and denounced Garfield for a breach of faith. He succeeded for a time in blocking the appointment in the Senate, but, foreseeing possible defeat, resigned and sought vindication by re-election. In this he was unsuccessful. It was to avenge this "injustice to Conkling" that Guiteau assassinated Garfield.

[D. S. Alexander, *Political History of New York*; T. C. Smith, *Life of James A. Garfield*.]

THEODORE CLARKE SMITH

Garland Case (71 U. S. 333-339). In December, 1860, A. H. Garland took the oath required

to practise in the Federal courts. The Civil War having intervened, Congress, on Jan. 24, 1865, required attorneys to swear they had not borne arms voluntarily against the United States, or accepted office under a government hostile to it (see Test Oath Cases). Garland had served in the Confederate Congress^o, but not in the army. With a pardon from President Johnson (see Amnesty), Garland petitioned the Supreme Court to practise without taking the new oath. The Court held that the oath was substantially a bill of attainder^o and an *ex post facto* law, and, therefore, unconstitutional. The President's pardon was held to be complete. Garland's petition was ordered to be granted (see Pardon and Amnesty).

DAVID Y. THOMAS

Garrison Mob, THE, in Boston, Oct. 14, 1835, was a mild example of the wave of violence against abolitionists^o which characterized that year. A mob searching the office of the *Liberator*^o for George Thompson, British abolition emissary, discovered the editor, William Lloyd Garrison, and hustled him along the streets to the city hall. The incident was important because of Garrison's prominence in the antislavery movement^o.

[W. P. and F. J. Garrison, *William Lloyd Garrison*, Vols. I and II.]

GILBERT HOBBS BARNES

Gas, Natural. A "burning spring"^o on the Kanawha River, near the present site of Charleston, W. Va., was well known by 1775. Similar gas springs along the Lake Erie shore near Fredonia and Westfield, N. Y., were known soon after 1800, and a well drilled at Fredonia in 1821 struck gas which in 1824 was used to supply the village with thirty street lights. In 1826 a lighthouse on the lake shore was equipped with 144 burners using gas supplied by a newly drilled well. In 1838 a man drilling for water at Findlay, Ohio, struck gas and used it in lighting his home. In 1840 a well being drilled in western Pennsylvania, seeking salt brine, found gas at 700 feet, and it was used under the evaporating pans in the near-by salt works—as it was in West Virginia a year later. Gas discovered near Erie, Pa., in 1860 was used as fuel for factories. The domestic use of it really began in 1865, when Fredonia, N. Y., formed a gas and waterworks company, the first natural-gas public-service corporation in America. The gas was piped from this field to Rochester, but enemies destroyed the pipe line, and it was abandoned. The use of the gas by Pennsylvania towns began at Oil City in 1867. In 1872 the pottery industry at East Liverpool, Ohio, adopted gas for its kilns. In 1875 it was first used for iron smelting at Etna,

near Pittsburgh. It was piped into Pittsburgh, and a few years later there was agitation against it because it so greatly displaced coal in the industrial plants. In Pennsylvania towns it was so inexpensive that street lights burned all day, this being cheaper than employing a man to turn them off. But this wastage was as naught compared with that which went on in the Ohio-Indiana "Gas Belt"—lying, roughly, between Sandusky and Indianapolis—between 1880 and 1900. In Ohio, wells were lighted and the flames allowed to leap high in the air continuously, as an attraction for railroad excursions run out from Cincinnati, Detroit and other cities. Findlay, Ohio, used a burning gas well as a sort of trademark. The gas in that belt created thriving industrial cities more rapidly even than the early railroads had done. The Indiana field was practically ruined by wastage within ten years. No meters were used, gas was given free to manufacturers by some municipalities, it was allowed to leak and waste in many ways. Indianapolis was being almost entirely heated by gas in 1900 when the supply began to fail; many chimneys had been built for its use so small that they must be rebuilt before coal could be used. Ohio and Pennsylvania were still producing largely thirty-five years later. In 1926 new wells producing from 1,000,000 to 1,500,000 cubic feet per day were brought in in central Ohio and southwestern Pennsylvania.

Meanwhile, gas had been found—as always—in connection with the newer oil fields in Kansas, Oklahoma, Louisiana, Texas and California (see Oil Industry). The presence of the non-inflammable helium^m in natural gas was discovered in 1907, but in such minute quantities in the Eastern fields that it was too costly to be utilized. The gas of Kansas, Oklahoma and Texas, however, was found to contain larger percentage of helium, and during the World War government scientists succeeded in segregating it in quantity. A dirigible^m was first successfully lifted by it in 1921. In 1935, in vast areas surrounding the Eastern and Western oil fields, cities and villages were being lighted and heated by natural gas, and industry was using it as a fuel. Carbon black from the gas itself had become one of its major products.

[H. C. Zwetsch, *A Brief History of the Natural Gas Industry*.]

ALVIN F. HARLOW

Gas in Warfare. See Chemical Warfare.

Gasoline Tax. The first gasoline tax law was enacted in Oregon in 1919; the rate was one cent a gallon. Colorado, New Mexico and North

Dakota followed in the same year. By the close of the legislative sessions of 1925, such legislation was in effect in all but four states. The tax was first collected in Illinois and New Jersey in 1927, in Massachusetts in 1928, and, finally, in New York, in 1929. Rates began at one or two cents, but the former has disappeared, and in 1936 the latter remained in three jurisdictions only—Missouri, Rhode Island and the District of Columbia. In that year, eleven states were collecting three cents, seventeen states, four cents; nine states, five cents; five states, six cents; one state, six and a half cents, and three states—Florida, Louisiana and Tennessee—seven cents. Since July, 1932, an additional Federal tax of one cent has been collected. The Federal and state taxes are supplemented by county levies of three cents in Alabama and Mississippi, and by city levies of one or two cents in Alabama, Florida, Louisiana, Missouri, New Mexico and Wyoming. Thus the aggregate tax in Florida and Louisiana is nine cents; in Mississippi, ten cents; and in Alabama, twelve cents a gallon.

[Finla G. Crawford, *The Gasoline Tax in the United States*; W. Brooke Graves, *American State Administration*.]

W. BROOKE GRAVES

Gaspee, Burning of the (June 10, 1772). The many waterways and islands in Narragansett Bay were very convenient for smugglers, and during the 18th century smuggling^m constantly increased. The British government sent revenue cutters to suppress these irregularities and much friction resulted. In March, 1772, H. M. S. *Gaspee* under Lt. Dudingston arrived in Narragansett Bay and proceeded to stop even small market boats and to send seized property to Boston. On June 9, 1772, the *Gaspee*, while chasing the *Hannah*, ran ashore on Namquit (now Gaspee) Point in Warwick. A group of angry men met at Sabin's Tavern in Providence and plotted to burn the ship. John Brown, a leading Providence merchant, supplied eight boats; the men armed themselves with guns, staves and paving stones, about 10 o'clock in the evening, and with muffled oars, proceeded down the river. When they neared the *Gaspee*, they were hailed by the lookout and also by Lt. Dudingston. Capt. Abraham Whipple (later Commodore, U S Navy) replied with some profanity that he had a warrant to arrest Dudingston. Joseph Bucklin then shot Dudingston, and the men from the boats boarded the *Gaspee* without resistance and drove the crew below decks. The captured sailors were bound and put on shore. The *Gaspee* was set on fire, and burned to the water's edge. A proclamation was issued to apprehend the partici-

pants in the raid, but although the personnel of the expedition was widely known in Providence, no one gave any evidence, except a Negro named Aaron whose story was disputed. No one was brought to trial, and a commission of inquiry could find no evidence sufficient to convict.

[Samuel G. Arnold, *History of Rhode Island*; John R. Bartlett, *History of the Destruction of the Gaspee*.]

HOWARD M. CHAPIN

Gastonia (N. C.) Riots, THE. Soon after Fred E. Beal, of the National Textile Workers' Union, arrived in Gastonia, to organize textile mill workers, a strike was called to secure union recognition. Meetings of strikers were frequently raided by local police authorities. On June 7, 1929, in attempting to disband a strikers' meeting, the Gastonia chief of police, O. F. Aderholt, was killed and in the fighting that followed seven strikers were reported killed. The strikers' leader, Fred E. Beal, reputedly a communist, and six other men were arrested, tried and convicted on a murder charge, following Aderholt's death. After conviction, the prisoners were released on bail and all fled to Russia. Beal subsequently returned to his home in Lawrence, Mass. In February, 1938, he was arrested and extradited to North Carolina to serve his prison term.

[Broadus Mitchell and George Mitchell, *Industrial Revolution in the South*.]

C. H. HAMLIN

Gatling Gun, the most famous of multiple-barrel rapid-fire arms, was patented Nov. 4, 1862, by Richard Jordan Gatling, but there is no evidence of its having been in action during the Civil War. Adopted after successful trials in 1866, it appeared in the New Orleans riots of 1868 and on several expeditions against Indians, but took no conspicuous part until the siege of Santiago^o, 1898, by which time it was being superseded by the machine gun^o. The barrels, six to ten in number, were placed in a circular frame which was made to revolve by means of a crank, each barrel in turn being automatically loaded and fired. A rate of 400 shots a minute was attained.

[*Reports of the United States Commissioners to the Paris Universal Exhibition, 1867, Vol. V, 71-76*; Richard Jordan Gatling, in *Dictionary of American Biography*.]

DON RUSSELL

Gaugers, The Town, were officials in colonial New England, especially Massachusetts, chosen annually by the General Court^o, to gauge or measure "all vessels of caske used for any liquor, fish, or other commodities to be put to sale." Vessels or barrels not measuring up to legal standards were not marked by the gaugers and could

not be sold. There was a legal fee for inspection, usually four pence per barrel.

[*Records of the Governor and Company of the Massachusetts Bay in New England, II, 29.*]

HUGH T. LEFLER

Gauntlet, Running the. The term originated in Europe, first as *gantlope* (1646), a form of punishment in which one ran between rows of men armed with belts or sticks; later (1661) the term appears as *gauntlet*. When the term was first applied to a similar Indian custom has not been ascertained, but when so used it refers to a method of receiving male captives. As described by Morgan, when a captive warrior was first brought to an Iroquois village, the women and children, armed with sticks, formed two lines between which the prisoner must run; if he survived the ordeal he was often permitted to live. The *Jesuit Relations* cite the custom in 1647 as common to the Iroquois and the Abnaki, but do not use the term "running the gauntlet." The range of the custom seems to have been restricted to the Indians between Ohio and Maine.

[L. H. Morgan, *The League of the Iroquois*.]

CLARK WISSLER

Gelpcke v. Dubuque, 1864 (1 Wall. 175). After having several times declared constitutional the Iowa statute authorizing Dubuque to issue bonds for funds with which to buy railroad stock, the supreme court of Iowa reversed itself, and the city attempted to escape payment on grounds that the bonds were unauthorized. The United States Supreme Court held that the state law, as interpreted by the state supreme court at the time of the issuing of the bonds, was the law governing the obligation of the contract^o, an obligation protected by the United States Constitution from subsequent impairment by a legislative act or judicial decision.

HARVEY PINNEY

General Armstrong, THE. Within the space of a few hours there arrived in Fayal, Azores Islands, Sept. 26, 1814, the American privateer *General Armstrong* and a British squadron. About sunset, longboats from the latter approached the former, were warned to stand away and then fired on. The American consul requested support of the port authorities. In the morning the *General Armstrong* was destroyed. The United States believed Portugal negligent of her duty as a neutral and pressed a claim for damages. The matter was finally submitted to Louis Napoleon for arbitration. The award was in favor of Portugal, for, according to the arbiter, the Americans opening fire before requesting assistance put

themselves beyond any claim upon the port authorities

[J. B. Moore, *History and Digest of the International Arbitrations to Which the United States Has Been a Party*, Manly O. Hudson, *Cases on International Law*.]

THEODORE M. WHITFIELD

General Court, Colonial. The Great and General Court was a New England institution. It originated with Massachusetts Bay⁷ colony whose charter gave full powers of governing, correcting, punishing and ruling to a body known as the General Court. This consisted of the governor, eighteen assistants and the freemen⁸ of the company. Only eleven of the assistants came to Massachusetts and very few of the freemen, consequently about a dozen men had a legal right to rule some 2000 settlers. The assistants voted themselves individually the power of British magistrates. The charter provided for four meetings of the General Court each year. At these meetings additional freemen were admitted, rules for the governing of the province were adopted, taxes levied, fines assessed, undesirable immigrants ordered returned to England and such other things done as the local situation seemed to demand. In the course of time the large meeting came to exercise mainly legislative powers, but at first and throughout the life of the first charter some judicial business was transacted. The name persisted and was used in the second charter.

The other colonies in New England followed the Massachusetts practice. New Haven was governed by a similar body, as were also Connecticut and Rhode Island. Plymouth called its smaller body assistants, the same as Massachusetts. Connecticut and New Haven used the term magistrates for this group. All used the term General Court for a meeting of the governor, the assistants or magistrates, and the freemen, or their representatives. Thus throughout New England there developed the idea that all reserve powers of government resided in a General Court or assembly of the people of each province.

[John G. Palfrey, *History of New England*.]

O. M. DICKERSON

General Education Board, THE, was established by John D. Rockefeller and incorporated by an act of Congress, Jan. 12, 1903. The charter stated that the general object of the foundation⁹ was "the promotion of education within the United States of America, without distinction of race, sex, or creed." This purpose included the power to establish or give aid to elementary schools, industrial schools, teacher-training in-

stitutions, technical schools, colleges and universities, to co-operate with or aid educational organizations; to gather and disseminate educational information; "and in general to do and perform all things necessary or convenient for the promotion of the object of the corporation."

To promote the objects of the foundation Mr. Rockefeller gave in 1902 the sum of \$1,000,000. In 1905 he created a permanent endowment of \$10,000,000 to provide an income "to be distributed to, or used for the benefit of, such institutions of learning, at such times, in such amounts, for such purposes, and under such conditions or employed in such other ways as the Board may deem best adapted to promote a comprehensive system of higher education in the United States." Limitations to higher education were, however, subsequently removed. In 1907 the sum of \$32,000,000 and in 1909 the sum of \$10,000,000 were given to the endowment. In 1914 the gross income was approximately \$2,500,000; up to June 30 of that year the Board had appropriated about \$16,000,000 for various purposes. For the year ending June 30, 1936, the Board reported an undisbursed income of \$8,688,467 05 and payments on account of appropriations for various purposes amounting to \$4,230,253 36.

The range of activities of the Board has been wide. It has aided and stimulated higher education, education in the South, farm demonstrations, secondary, higher, medical, rural and Negro education; work in the humanities, natural sciences, social sciences; fellowships; special divisions in state departments of education; teacher training; library training; educational studies; child growth and development; summer sessions; educational surveys; and numerous other undertakings.

[General Education Board, *The General Education Board: An Account of Its Activities, 1902-1914; Annual Reports of the Board*.]

EDGAR W. KNIGHT

General Electric Company, THE, incorporated April 15, 1892, united two of the principal electrical engineering and manufacturing enterprises in America—the Thomson-Houston Electric and Edison General Electric companies. The former descended from the American Electric Company (1880) and six other pioneer electrical manufacturers; the latter was the successor to nine companies, the oldest of which—Edison Electric Light Company, of Menlo Park, N. J.—was founded in 1878. The Edison General Electric Company, with Henry Villard as president, had been established in 1889. Included in it was the Edison Machine Works at Schenectady, N. Y.,

later to become the principal plant and main office of General Electric.

Principal developments of the early companies were practical and efficient dynamos, distribution systems, recording wattmeters, alternating-current practice, alternating-current motors and generators, the Sprague stationary motor, arc and incandescent lamps⁷⁰ All inventions, patents and processes were taken over by the General Electric Company. Its first president was Charles A. Coffin. Later additions to the company were the Fort Wayne Electric Works, the Stanley Electric Manufacturing Company and the Sprague Electric Company. Dr. Charles P. Steinmetz was a consulting engineer. One of the early enterprises of the new organization was the establishment of the first industrial research laboratory, founded at the suggestion of E. W. Rice, Jr., by Dr. Willis R. Whitney.

Built largely by scientists and engineers under the leadership of Coffin, General Electric's development as a major influence in American industrial and financial life was due to another president, Gerard Swope, and a board chairman, Owen D. Young. In recent times, the company's manufacturing activities have been carried on in twenty-one major plants in the United States.

K. G. PATRICK

General Motors Company, THE, was organized in 1908 by William C. Durant of Flint, Mich., who merged Buick, Oldsmobile and Oakland. Within two years seventeen more car, truck and accessory companies were added. Chief divisions now (1939) are Buick, Olds, Cadillac, Pontiac, Chevrolet, Frigidaire and Delco. The corporation has about 200,000 employees, in eighty-one plants in forty American cities, and twenty-seven plants in seventeen foreign countries.

General Motors is the largest automobile company in the world, with 2,116,897 unit sales, American and foreign, in 1937. Its output in that year was valued at \$1,606,789,841. It pioneered the electric self-starter, four-wheel brakes and other improvements. In its organization there is central control of common functions, with considerable latitude allowed to divisions.

[General Motors Corporation, *Annual Report*, 1937; Arthur Pound, *The Turning Wheel*.]

ARTHUR POUND

General Order No. 38 issued by Gen. A. E. Burnside (U.), Commander of the Department of the Ohio, on April 13, 1863, forbade expressing sympathy for the Confederacy. C. L. Vallandigham, Ohio "Copperhead"⁷¹ leader, denounced it in a speech at Mount Vernon, Ohio, on May 1. He was arrested, tried by military com-

mission and, on order of President Lincoln, banished beyond the Federal lines. (See also Vallandigham Incident.)

[George H. Porter, *Ohio Politics during the Civil War, Period*.]

CHARLES H. COLEMAN

General Orders No. 100. See Civil War: General Orders No. 100.

General Staff. See Army General Staff, Development of the.

General Welfare Clause. This refers specifically to the provision in the United States Constitution (Article I, Section 8)⁷² which gives power to the Congress "to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defence and general welfare of the United States." There have been two schools of thought with regard to the interpretation of this provision. The first held that the Congress was empowered by this provision to tax and spend only to the extent that might be necessary to carry into effect the other powers granted to it by the Constitution. Originally this view was accepted by the courts. The other school of thought held that this power was in addition to the other powers granted.

It was generally thought that by the acceptance of this latter view "the government of the United States would at once cease to be one of the enumerated powers, for it would then be possible to justify the exercise of any authority whatsoever upon the ground that the general welfare would thereby be advanced" (W. W. Willoughby). Nevertheless, the tendency of court decisions during more recent years has been in this direction, thus vastly increasing the power of the Congress and the National Government. "This view, however, which would render the succeeding enumeration of powers largely tautological, has never so far been directly countenanced by the Court" (E. S. Corwin).

[W. W. Willoughby, *The Constitutional Law of the United States*; E. S. Corwin, *The Constitution and What It Means Today*.]

WILLIAM STARR MYERS

Genesee Road, THE (1797), was built from Fort Schuyler⁷³ to Geneva by an act of the legislature which resorted to lotteries⁷⁴ for financing. One third of the total of three lotteries approximating \$45,000 was supplemented by 4000 days of labor subscribed by the inhabitants along the route. This road was open for 100 miles, sixty-four feet wide, and bridged through the low country with logs and gravel. It was made a turnpike in 1800 and improved from Utica to

Canandaigua by the Seneca Turnpike Company. It became a part of the Mohawk route from Albany to the West after the War of 1812.

[A. C. Flick, ed., *History of New York State*, Vol. V]

ROBERT W. BINGHAM

Genêt Mission, THE. Citizen Genêt, who had been designated by the Girondists, Nov. 19, 1792, as minister from France to the United States, landed at Charleston, S. C., April 8, 1793. He received a cordial civic welcome, which was amplified en route to the capital, then at Philadelphia, with an extravagance consciously designed by Anti-Federalists^o to exert pressure upon the administration (*see* Neutrality Proclamation of 1793). Following a cool reception by President Washington, the minister became a factor in the conflict between Alexander Hamilton and Thomas Jefferson, the latter his natural friend. Even Jefferson was alienated, however, by Genêt's disingenuous handling of the *Little Sarah*^o, an interned privateer which in defiance of formal pledge was permitted to go to sea. In the matter of French privateers as well as the outfitting, with Andre Michaux and Stephen Drayton, of expeditions against Louisiana and also Florida (*see* Western Separatism), Genêt proceeded on the mistaken philosophy that he was the minister of a people to a people, not of a government to a government. The administration demanded his recall but permitted him unofficial residence, because return in disgrace to a France now turned Jacobin would mean the guillotine. With Genêt's recall, that of Gouverneur Morris, American minister to France, could not be long deferred. Failure of both missions was convincing evidence that the Franco-American Alliance of 1778^o had little further meaning.

[Meade Minnegerode, *Jefferson, Friend of France.*]

LOUIS MARTIN SEARS

Geneva Convention: Rules of War. Two conventions were signed at Geneva on July 29, 1929, at the conclusion of a conference at which forty-seven states were represented, dealing with the treatment, respectively, of the sick, wounded and dead in battle, and of prisoners of war. These conventions expanded, consolidated and liberalized the rules regarding these categories of war victims originally laid down in the Red Cross Convention of 1864 and the Geneva Convention of 1906. The most notable advances were made in the detailed prescriptions for identifying the wounded, dead and prisoners, for transmitting information; for impartial treatment of wounded and prisoners; and for the liberation of captured medical personnel.

PHILLIPS BRADLEY

Geneva Three-Power Naval Conference, THE. In 1927 President Coolidge invited Great Britain, Japan, France and Italy to a conference of five powers at Geneva in order to impose a limit on the tonnage of cruisers, destroyers and submarines. (*See also* Washington Conference on the Limitation of Armaments.) Great Britain and Japan accepted the invitation while France and Italy declined. The negotiations ended in ignominious failure, partly through the instructions of the American delegates for parity in tonnage with Great Britain and rejection of all political arrangements. The traditional American policy of "freedom of the seas"^o also clashed with the possible status of Great Britain as a belligerent in a war to fulfil obligations under the covenant of the League of Nations^o—a war in which Britain would interfere with neutral shipping as was done in the World War. The collapse of the Geneva Conference strengthened the agitation of the "Big Navy" adherents in the United States with the result that Congress entered the naval competition by passing an act authorizing the construction of fifteen cruisers and one aircraft carrier.

[*Records of the Conference for the Limitation of Naval Armament*, Geneva, 1927, C. P. Howland, *Survey of American Foreign Relations.*]

KENNETH COLEGROVE

Genius of Universal Emancipation (1821–39), abolition^o periodical, was established by Benjamin Lundy at Mount Pleasant, Ohio, in January, 1821. Later in that year it was removed to Jonesboro, Tenn., where it was published until 1824. Thereafter it was issued from Baltimore (1824–30), Washington (1830–34), Philadelphia (1834–36) and Hennepin, Ill. (1838–39), although often printed in other places. During the winter of 1829–30 William Lloyd Garrison, whose interest in the abolition movement Lundy had aroused, served as assistant editor. Publication, frequently irregular, ceased after Lundy's death on Aug. 22, 1839.

[Thomas Earle, *The Life, Travels and Opinions of Benjamin Lundy.*]

PAUL M. ANGLE

Geographer's Line, THE, was surveyed by Thomas Hutchins, Geographer of the United States, according to the plan provided in the Ordinance of 1785^o. The line was to begin at the point where the Pennsylvania boundary intersected the Ohio River and was to run due west. The Seven Ranges^o, the first surveys under the Ordinance, were laid out south of this line, which extended westward forty-two miles. The line is located at 40° 38' 2" N. Lat., but the inaccuracies of the survey, begun under many

difficulties in 1785-86, caused it to deviate a mile to the north at its western end. Every six miles, at right angles to the line, were drawn the meridians marking the boundaries of the ranges, while parallel to it, at six-mile intervals, were east-and-west lines to complete the township boundaries.

[C. E. Sherman, *Original Ohio Land Subdivisions, Ohio Cooperative Topographic Survey*, Vol. III.]

EUGENE H. ROSEBOOM

Geographic Board, United States. Executive Order No. 493, issued by President Theodore Roosevelt on Aug. 10, 1906, constituted the United States Geographic Board from what had been the United States Board on Geographic Names⁷⁷. Advisory powers were granted therein concerning the compilation of maps by the various bureaus and offices of the Government, with a view to avoiding unnecessary duplication of work. An effort was instituted to unify the scales, conventional signs and symbols and methods of representing relief on government maps and charts. These advisory powers granted to the Geographic Board were rescinded by Woodrow Wilson (Executive Order No. 3206, Dec. 30, 1919) and were transferred to the Board of Surveys and Maps. Thus the duties of the Geographic Board were reduced to those imposed on the Board on Geographic Names by the Executive Order No. 399 of Jan. 23, 1906. In 1934 President Franklin D. Roosevelt abolished the United States Geographic Board (Executive Order No. 6680 of April 17) and transferred its functions, its staff, equipment and unexpended appropriation to the Department of the Interior to be administered under the supervision of the Secretary of the Interior. Under this supervision a small administrative unit, the Division of Geographic Names, was created, and a larger technical unit, the Advisory Committee on Geographic Names, was appointed. The Secretary of the Interior, by a departmental order of Dec. 10, 1935, changed the name of the organization comprising these two units to the United States Board on Geographical Names.

[Decisions of the U. S. Board on Geographical Names. Decisions rendered between July 1, 1935, and June 30, 1936.]

LLOYD A. BROWN

Geographic Names, United States Board on (Sept. 4, 1890). An executive order constituted the Board from a voluntary association of interested government officials which had been meeting informally for more than a year. Its purpose was to bring about a uniform usage and spelling of geographic names in all publications

of the Government. Special emphasis was to be placed on the geographic nomenclature and orthography concerned in the maps and charts issued by the various government departments and bureaus. The Board was composed of ten department heads, with Prof. T. C. Mendenhall of the U. S. Coast and Geodetic Survey⁷⁸ as chairman. More than two thousand questions were submitted to the Board the first year. Place names in Alaska which had formerly been assigned and changed without restrictions by explorers and settlers, received special attention. All place names in that territory were revised, and a geographical dictionary was prepared. Executive Order No. 399 of Jan. 23, 1906, imposed on the Board the task of "determining, changing and fixing of place names within the United States and insular possessions." All place names suggested by officials were to be referred to the Board for consideration and approval. In all cases of disputed nomenclature, the decisions of the Board were to be accepted as final. Executive Order No. 493 of Aug. 10, 1906, changed the official title of the Board to the United States Geographic Board⁷⁹.

[U. S. Board on Geographic Names, *Reports of*, Washington, *v.d.*; U. S. Geographic Board, *Reports of*, Washington, *v.d.*]

LLOYD A. BROWN

Geological Survey, United States, was constituted (March 3, 1879) a permanent bureau for closer co-ordination of government agencies assigned to the task of classifying the public lands and "the examination of the geological structure, mineral resources, and products of the national domain." At the same time the Geological and Geographical Survey of the Territories, the Geographical and Geological Survey of the Rocky Mountain Region (both under the Department of the Interior), and the Geographical Surveys West of the 100th Meridian (under the War Department) were discontinued.

The land west of the 100th Meridian was divided into four geological districts, headed by four geologists-in-charge. Later the field of geological survey was extended over the whole United States, and the territory east of the 102nd Meridian was divided into four divisions. The Mississippi Basin was made a geological unit by itself, consisting of two divisions.

Besides its extensive field work, the Geological Survey has issued many valuable publications through the Department of the Interior, including annual reports, monographs, professional papers, bulletins, water-supply papers and papers on the mineral resources of the United States. Map publications include the *Geologic*

Atlas of the United States, the *World Atlas of Commercial Geology* (now out of print), as well as topographic folios and maps, some with descriptive text. Additional base, contour and other maps of the United States and of the states have more recently been added to the list of publications of the Survey.

[U. S. Department of the Interior: Annual reports of the U. S. Geological Survey; all publications of the U. S. Geological Survey.]

LLOYD A. BROWN

George, Fort, on the Canadian side of the Niagara River at its entrance into Lake Ontario, was captured by the Americans on May 27, 1813, as part of the plan involved in the capture of York^{re}. At the same time the Americans secured control of Lake Ontario and occupied the British Fort Erie^{re}, remaining in possession of the entire western shore until after the failure of the expedition against Montreal^{re}, when Fort George was given up to a superior British force.

[L. L. Babcock, *The War of 1812 on the Niagara Frontier*.]

JULIAN PARK

George Washington, THE (U. S. N.), arriving at Algiers in 1800 with the annual payment, was ordered to carry gifts to the Sultan of Turkey. As his ship and American merchantmen were at the mercy of the Dey, Capt. Bainbridge obeyed, and even flew the Algerian flag until he was outside the harbor. But at Constantinople he received a firman which protected him later. President Jefferson approved Bainbridge's conduct but issued orders to prevent future humiliations.

[G. W. Allen, *Our Navy and the Barbary Corsairs*.]

WALTER B. NORRIS

Georgia was the youngest of the original Thirteen Colonies. Motives for its founding, which varied with the groups interested, were: to erect a buffer against the Spaniards in Florida and the French in Louisiana; to produce silks and other special raw materials; to promote an experiment in rehabilitating the unfortunate debtors of London; and to offer a refuge for persecuted Protestants. James Edward Oglethorpe and Lord John Percival, first Earl of Egmont, were the leaders in securing the charter (1732), which provided for a Board of Trustees, made up of titled and other prominent Britons, to govern the colony for twenty-one years, after which control reverted to the crown. The colony comprised that territory between the Savannah and Altamaha rivers and lines drawn due west from their headwaters to the Pacific. The first colonists arrived in 1733 and settled Savannah. Opposed by Spain, Oglethorpe was forced into

a war, which lasted from 1739 to 1744 (see Jenkins' Ear, War of). Certain peculiarities of Trustee rule were: prohibition against slavery and rum, and a restricted land system.

The colony prospered little under the Trustees, and not until the crown assumed control and appointed James Wright governor (1760-76, 1779-82) did life take hold. The chief population groups which came in during colonial times were: English, Germans, German Salzburgers, Moravians, Scotch Highlanders, Scotch-Irish, Irish, Puritans and some Jews. Friendly relations with the Indians were established in the beginning, and as a result no Indian wars occurred throughout the life of the colony. At the end of the French and Indian War^{re} the boundaries of the colony were fixed on the south by the St. Marys River and a line drawn from its headwaters to the Chattahoochee and thence along the 31st parallel to the Mississippi, which became the western limits.

Georgia was slow to join the agitation which led to the Revolution because of gratitude to England for the large grants of money made in maintaining the colony, and through fear of attack by the king's forces in Florida and by Creeks and Cherokees^{re} on the west and north. Though unrepresented in the Stamp Act Congress and the First Continental Congress, Georgia joined the Revolution in time to be represented in the Second Continental Congress^{re}. Not until 1778 was there any serious fighting in the state, when the British seized Savannah^{re}, and within the next few months almost subjugated the state. The next year royal government was restored and Sir James Wright returned to be governor. During 1779 the patriots won at Kettle Creek, lost at Briar Creek^{re} and aided by the French made a desperate assault on Savannah without success. Defeat elsewhere forced the British to evacuate Savannah in 1782 (see Georgia, Wayne's Operations in).

Though characterized throughout her subsequent history by a passionate attachment to states' rights^{re}, Georgia was the first Southern state to ratify the Federal Constitution, which she did by a unanimous vote on Jan. 2, 1788. Her desire for protection against the Spaniards in Florida and from the hostile Creeks and Cherokees, and her feeling that with a territory larger than any other state in the Union, she would soon play a dominant part in the new government—these considerations led her in the beginning to adopt a strong national position, which she abandoned after the decisions of the United States Supreme Court in the *Chisholm v. Georgia*^{re} and the *Brailsford v. Georgia* cases.

Troubled by her Yazoo Land Fraud, the state, in an agreement known as the Georgia Compact⁹⁹, accepted the Chattahoochee River as her western boundary. As part of the same agreement the Federal Government promised to remove the Indians from the state (*see* Cherokee Nation v. Georgia). Gov. George M. Troup (1823-27), feeling that the United States was not proceeding fast enough, threatened war if interfered with in his attempt to drive the Indians out. Their removal, completed by 1838 (*see* New Echota, Treaty of), opened up rich cotton lands, which made Georgia for a time the greatest cotton producing region in the world. (*See also* Georgia's Southern Boundary.)

Embittered by the sectional struggle, Georgia, urged forward by Gov. Joseph E. Brown, Robert Toombs and other leaders, seceded from the Union on Jan. 19, 1861. She was almost free from invasion until 1864, when Gen. Sherman⁹⁹ made his famous march and left bitter feelings to rankle for a generation. Reconstructed with the other Confederate states, Georgia was first readmitted to the Union in 1868; but her expulsion of Negro members of the legislature led to her second reconstruction, which was completed by 1871.

[E. M. Coulter, *Short History of Georgia*; U. B. Phillips, *Georgia and State Rights*; W. B. Stevens, *History of Georgia*; C. M. Thompson, *Reconstruction in Georgia*.]

E. MERTON COULTER

Georgia, Spanish Missions in, were established first on the sea island and mainland borders of the Inland Passage. The Jesuits started the work (1569) but were soon succeeded by Franciscans⁹⁹. Seven missions were founded in the region and in 1612 the Atlantic coast was erected into the province of Santa Helena.

Friars also visited central Georgia, and Spaniards were in regular communication with Christian Indians within present South Carolina. In 1632 a mission was established at Apalache; in 1674 there were five friars on the Georgia coast; in 1679 additional Franciscans arrived from Spain; and in 1681 a mission was established on the Chattahoochee at Sabacola.

Attacks by Indians, slave traders and Caribbean pirates finally compelled the removal of the missions (1686) south below the St. Marys. This precaution did not save them. In 1702 Gov. Moore of South Carolina led a drive against them, seized three friars and captured many Indians; the following year he led a band of Carolinians and savages against the Apalache⁹⁹ missions. Two friars were killed, Christian Indians were tortured, and hundreds carried off to Charleston to

Georgia, Wayne's Operations

be sold to West Indian planters. The Georgia missions were at an end.

[Herbert E. Bolton, *Spain's Title to Georgia*, and *Spanish Resistance to the Carolina Traders in Western Georgia*.]

MARY ROSS

Georgia, The Confederate Cruiser, was purchased in Scotland, March, 1863, by Matthew F. Maury, a Confederate agent. Fitted out as a merchant vessel, and named the *Japan*, she sailed on April 1 to a rendezvous off Ushant where there were brought to her cannon, supplies and war material. Then, commissioned as the *Georgia*, she cruised successfully for seven months, capturing eight or nine vessels worth \$406,000. After eluding all Union cruisers, she was sold at Liverpool to a British merchant on June 1, 1864.

[Charles Lee Lewis, *Matthew Fontaine Maury: Pathfinder of the Seas*.]

CHARLES LEE LEWIS

Georgia, The Puritan Migration to, began in 1752, and though most of the settlers had arrived by 1756, a few families were drifting in as late as 1771. They were the descendants of a band of Puritans⁹⁹ who had arrived in Massachusetts in 1630 and who two generations later (1695) had left for South Carolina not only to better their economic condition but also to promote religion there. Feeling that the young colony of Georgia offered greater opportunities for plantation developments and for holding their group together, they secured a grant of 32,350 acres of land in the Midway District of coastal Georgia and settled at a place which they called Dorchester—a name which they had brought from England and had given successively to their settlements in both Massachusetts and South Carolina. In 1758 they founded Sunbury on the coast and within the next few years developed it into an important port. A total of about 350 whites came, bringing with them 1500 slaves. They were one of the most important groups to come to colonial Georgia, giving to the colony and state an unusually large number of leaders in religion, education and statecraft.

[C. C. Jones, Jr., *The History of Georgia*; J. B. Mallard, *A Short Account of the Congregational Church, at Midway, Georgia*.]

E. MERTON COULTER

Georgia, Wayne's Operations in (1782). After the surrender of Cornwallis at Yorktown⁹⁹, Anthony Wayne was sent south to join Gen. Nathanael Greene in his efforts to expel the British from South Carolina and Georgia (*see* Southern Campaigns). Gen. Greene detailed Wayne to drive the British into Savannah⁹⁹ and capture them. Crossing the Savannah River on Jan. 12

and making his headquarters at Ebenezer, and aided by James Jackson and Anthony W. White, Wayne carried out various expeditions against outlying forces of British troops. A band of Creek Indians^{as} seeking to enter the city was cut to pieces and a force of British regulars was routed on the Ogeechee Road. Peace having been voted by Parliament, the British surrendered Savannah to Wayne on July 12.

[W. B. Stevens, *A History of Georgia*; R. S. Holland, *Mad Anthony*.]

E. MERTON COULTER

Georgia Compact, THE, entered into by Georgia and the United States April 24, 1802, provided for the cession of Georgia's western lands on several conditions of which the chief were that the United States pay Georgia \$1,250,000 out of the first net proceeds of the land sales, validate Georgia, British and Spanish land grants, assume the Yazoo claims^{as} and extinguish the Indian title to land in Georgia (*see Cherokee Nation v. Georgia*). The execution of this compact cost the United States \$8,000,000 and required more than thirty-five years.

[S. G. McLendon, *History of the Public Domain of Georgia*.]

R. S. COTTERILL

Georgia Land Lottery System. In 1803 Georgia abandoned the head right method of disposing of her remaining public land and adopted the lottery system in a series of acts passed in 1803, 1806, 1818, 1819, 1821, 1825, 1830 and 1831. Though the system varied slightly with each act, which set aside an additional tract for distribution, the underlying principle was always the same—free distribution of land to Georgians by lot. In general all men twenty-one years old, widows and orphans were eligible. Service in the Revolution and in other stated wars entitled the veteran to an additional draw or to some other advantage. The land was divided into lots, generally of 202½ acres, and the lucky drawer was required to pay a fee of from \$15 to \$20.

[E. M. Coulter, *A Short History of Georgia*.]

E. MERTON COULTER

Georgia-Mississippi Company, THE, was one of the four companies to which land was granted in 1795 in the famous second Yazoo^{as} sales. Its tract lay between the Mississippi and Tombigbee rivers, and embraced about 12,000,000 acres for which the company was charged \$155,000. In January, 1796, it sold its holdings to a number of Massachusetts speculators, who organized the New England Mississippi Company. It was this company which became the chief contender with Congress for a settlement of the dispute of own-

ership, and in the final agreement, made in 1814, it received \$1,550,000.

[W. B. Stevens, *History of Georgia*; C. H. Haskins, *The Yazoo Land Companies*, in *Papers of the American Historical Association*, Vol. V, No. 4.]

E. MERTON COULTER

Georgia Platform, THE, was a set of resolutions written by Charles J. Jenkins and adopted December, 1850, by a convention held in Mill-edgeville, Ga., to decide on the course Georgia would take regarding the Compromise of 1850^{as}. It was the sense of these resolutions that the state would accept what had been done, but a warning was given that further encroachments on the rights of the South would lead to the disruption of the Union.

[R. H. Shryock, *Georgia and the Union in 1850*; U. B. Phillips, *Georgia and State Rights*; E. M. Coulter, *A Short History of Georgia*.]

E. MERTON COULTER

Georgia Railroad. THE. *See* Western and Atlantic Railroad.

Georgia v. Stanton was the title of a bill filed in the United States Supreme Court in April, 1867, by Gov. Jenkins for the state of Georgia to restrain Stanton, Secretary of War, Grant, General of the Army, and Pope, Commander of the military district of which Georgia was a part, from enforcing the Reconstruction Acts^{as} of Congress of 1867. The petition alleged that the acts, if put into effect, would overthrow the existing constitutional government of the state. The Court ruled that, since the defendants represented the executive authority of the Government whose business it was to execute acts of Congress, to grant the petition would place the Court in the position of passing judgment upon political questions. Furthermore, there was no danger of infringement of private rights or of private property. On May 13, 1867, the Court denied the petition for want of jurisdiction.

[C. M. Thompson, *Reconstruction in Georgia*.]

C. MILDRED THOMPSON

Georgiana was the colony which the Company of "Military Adventurers," under the leadership of Gen. Phineas Lyman of Connecticut, a high-ranking colonial military officer, proposed to establish on the Mississippi, below the Ohio, after the close of the French and Indian War^{as} in 1763. The colony, named in honor of the king, was to be settled mainly by ex-soldiers. This company became the rival of the "Mississippi Company" of Virginia^{as}, which planned a colony in the same region. As agent for his company, Ly-

man repeatedly petitioned the British government in the interest of the project, but his only reward was a land grant of 20,000 acres in the vicinity of Natchez in 1770. After a sojourn of some years in England, he returned home disappointed in 1772. However, a change in the ministry shortly thereafter revived his hope of ultimate success in the colonial venture, and in 1774 he led a few hundred families, chiefly from Connecticut and Massachusetts, to the Natchez region. But the British policy of leaving the lands along the Mississippi as Indian territory (see Proclamation of 1763) still thwarted his colonial scheme, and his settlers secured only squatters' rights to their lands. Lyman died in 1774, and his colonists experienced many hardships during the ensuing American Revolution.

[Clarence W. Alvord, *The Mississippi Valley in British Politics*; Clarence W. Alvord and Clarence E. Carter, eds., *The New Régime, 1765-1767*, *Collections of the Illinois State Historical Library*, Vol. X.]

WALTER PRICHARD

Georgia's Southern Boundary. According to Georgia's colonial charter, the Altamaha River was her southern boundary; but in 1763, when England secured Florida (see Florida, British), she extended Georgia's boundary southward to the St. Marys River and to a straight line joining the source of the St. Marys with the confluence of the Flint and Chattahoochee rivers. In the Definitive Treaty of Peace, 1783³⁷ the same boundary was continued, and it was agreed to by Spain (now owning Florida) in the Pinckney Treaty of 1795³⁸. Four years later Andrew Ellicott acting as the American commissioner fixed, in conjunction with the Spanish commissioner, the two points to be joined by the straight line (see Southern Boundary, Survey of). He erected a mound near where he considered the source of the St. Marys River to be, but he did not run the boundary. Though various lines were later surveyed or attempted, Georgia by 1830 had come definitely to reject Ellicott's mound as the true head of the St. Marys, claiming a point a dozen miles to the southward. Disputing with the United States from 1819, when Spain ceded Florida (see Adams-Onís Treaty), until 1845, when Florida became a state, Georgia thereafter carried on her argument with Florida. There were in dispute almost 2500 square miles. Finally a line was surveyed in 1859, using Ellicott's points, which was accepted two years later by Florida and in 1866 by Georgia.

[E. M. Douglas, *Boundaries, Areas, Geographic Centers and Altitudes of the United States, and of the Several States*, United States Geological Survey Bulletin 817; E. M. Coulter, *A Short History of Georgia*.]

E. MERTON COULTER

German Flats

Germaine Girl Captives, THE, four in number, were captured by the Cheyennes³⁹, but two were recaptured in Texas, Nov. 8, 1875. The two girls, five and seven years of age, had been misused by the Indians and were sent to Fort Leavenworth hospital. They reported two older sisters still captive. Gen. Miles had a photograph of the two taken and sent it by a Kiowa scout to the tribe, demanding surrender of the other two sisters and the return of the tribe to their reservation, or annihilation. The order was obeyed.

[C. C. Rister, *Southwestern Frontier*.]

CARL L. CANNON

German-American Debt Agreement (1930). As a result of the Treaty of Berlin⁴⁰, Aug. 25, 1921, Germany accepted responsibility for the costs of the American Army of occupation⁴¹ and for the payment of adjudicated claims of American citizens for damages against Germany, arising out of the period of neutrality and of war. The claims as adjudicated by a mixed commission amounted, to date, to approximately \$120,000,000, plus interest at 5%. In the German-American Debt Funding Agreement of 1930 the army occupation costs were fixed at \$247,865,645. The agreement (not a treaty) arranged for German payment of these costs, and also for the payment of that percentage (about 20%) of awards to citizens of the United States which still remained unpaid by the War Settlements Act of 1928. This was effected by delivery to the United States Government of two sets of long-term bonds, non-interest bearing, with coupons for annual payments of principal. One set of RM 1,048,100,000 (approximately \$250,000,000) for army occupation costs was to run for thirty-six years; the other, for unpaid claims awards and their interest, of RM 2,121,600,000 (approximately \$505,000,000) was to run for fifty years or less. On the first series Germany suspended payment in 1932 after paying in annual instalments a total of \$65,998,512.13. On the second series Germany suspended payment in 1935.

[Samuel Flagg Bemis, *Diplomatic History of the United States*.]

SAMUEL FLAGG BEMIS

German Coast. See Côte des Allemand.

German Flats, N. Y., were the meadow lands south of the Mohawk River, opposite the present village of Herkimer, granted for settlement to the Palatines⁴², who had been brought over to make naval stores⁴³ and who at the failure of that enterprise were settled on the frontier as a protection against French attack. The exact date of settlement is not known, but it was probably

in the year of 1723-24. In 1757 the settlement was attacked by the French and Indians and 200 persons killed or captured. During the Revolution the settlers suffered continual depredations. In September, 1778, German Flats was laid waste for ten miles along the river.

[Nathaniel S. Benton, *History of Herkimer County.*]

A. C. FLICK

German Immigration. In point of time emigration from Germany antedates emigration from the other political divisions of Europe, if exception is made of the British Isles, Sweden and The Netherlands; and in the 19th century German emigrants exceeded those belonging to any other single emigrant stock. The German stream carried with it a larger diversity of types due to the particularistic tendencies of the old Empire and Confederation, varieties of intellectual and economic life, racial differentiation and geographical features. German immigration is exceptional in that a larger number of intellectuals and men of influence were carried along with the stream. In three decades from 1860 to 1890 Germany ranked highest in American immigration statistics; and in three decades—1840 to 1860 and 1890 to 1900—it held second place. From 1820 to 1930 the total German immigration was 5,907,893; and if German-speaking immigrants were included, the number would be augmented. Prior to 1850 emigration from Ireland exceeded that from Germany; and in the last decade of the century emigration from Italy dropped Germany from the highest rung, although it dropped by only one. When industrial and commercial Germany succeeded agricultural Germany at the close of the 19th century, the great *Völkerwanderung* waned.

The German population in the United States is the product of three successive waves of immigration, each with a distinct flavor and the result of a different set of circumstances.

At the time of the Declaration of Independence, it is estimated that there were about 225,000 people of German blood in the United States, constituting a little more than one tenth of the total population, one third of whom resided in Pennsylvania. The colonial migration was the product of religious, political and economic persecution and distress. The great majority of immigrants came from the Rhine country, especially from the Palatinate and Württemberg, where humble people were under the yoke of political and religious persecution and the victims of economic disorders and distress that accompanied and followed devastating wars: the Thirty Years' War, the wars of Louis XIV, and the War of the

Spanish Succession. In the first half of the 18th century, but especially from 1720 to 1750, Moravians, Mennonites, Dunkards, Lutherans and Reformed Germans²² settled in large numbers in Pennsylvania, New York, New Jersey, Maryland, Delaware, Virginia, the Carolinas and Georgia. Books and pamphlets acquainted prospective immigrants with the opportunities awaiting them in the New World. Pennsylvania was the best advertised province; and the founder, William Penn, traveled among and preached to the people whose mode of life and religion resembled that of the Quakers²³.

From the Declaration of Independence to 1820 there is a hiatus in German immigration; how many immigrants came in those years is somewhat in dispute. In any event, when the second wave took on momentum after the close of the Napoleonic wars, the German-American population had made rapid progress in assimilation. It brought two distinct cultural groups. From eastern and northern Germany came peasants who were conservative along political and religious lines; and from southwestern Germany and from the Rhineland came a rather liberal sprinkling of political exiles and agnostics, university-trained men and intellectuals who became prominent in various walks of life in the adopted country. They were usually called "forty-eighters"²⁴ because many of them fled or were exiled after the revolutionary disturbances of 1848, among them Carl Schurz. Being unaccustomed to manual labor and knowing more about Latin than about agriculture, they were called "Latin farmers."

The great bulk of the immigrants in this period, which extended into the 1850's, were fairly well-to-do agriculturists, mechanics, common laborers, and small tradesmen who were hungry for land rather than thirsty for release from persecution. It is significant, however, that a strong contingent of "Old Lutherans," whose attachment to confessional Lutheranism made the union of Lutheran and Calvinist churches odious, left Saxony and laid the foundations of the powerful Missouri Synod, in the decade of the 1840's. This was also a time of emigration societies and of agitation on the part of a few for the establishment of a German state.

In the third period of German immigration which followed the close of the Civil War political and religious considerations were completely overshadowed by the economic motive, although, of course, this stream was a tributary that was fed by complex forces which had operated over a long period of time. It was still the impact of agricultural America on an agricultural civi-

zation in the process of transition to industrial development. The Homestead Act⁷⁰ remained the star of hope, although an increasing number of immigrants gravitated to cities. The eventual decline of immigration may be attributed to legislation which gave greater security in days of unemployment and in years of old age, relatively fewer opportunities in the United States, and a governmental policy of discouraging emigration or of diverting it to the colonies and to South America.

The German immigrants distributed themselves more uniformly throughout the United States than did any other immigrant stock, although certain sections, states and cities were more favored than others. The northern Mississippi Valley became the most heavily populated; and Milwaukee, St. Louis, Chicago, Cincinnati, Cleveland, St. Paul, and Davenport, Iowa, were among the heavily populated cities. According to the census of 1880, Wisconsin had a larger percentage of German-born residents than any other state. It stood fourth in the total German-born population. The hardwood areas along the western shore of Lake Michigan were very inviting. In addition Wisconsin offered the following inducements: a suitable climate and products similar to those of the native country; a liberal land policy; the right of suffrage extended to persons who had taken out their first papers; the prospect of having a population large enough to establish and maintain German churches and parochial schools. Moreover, the state immigration commission was active in promoting immigration.

In spite of a vociferous element which sought to assimilate on its own terms, the Germans fell victim to the American environment as readily as did the members of other groups. German agricultural communities radiated thrift and efficiency; and German societies, like the *Turnvereine*, fostered love for music and manly sports.

[A. B. Faust, *The German Element in the United States*; W. A. Knittle, *Early Eighteenth Century Palatine Emigration*; L. F. Bittinger, *The Germans in Colonial Times*.]

G. M. STEPHENSON

German Lutherans constitute several distinct religious bodies in the United States, the Missouri Synod, the American Lutheran Church, and the Joint Synod of Wisconsin being the principal groups. All of them resulted from the large German Lutheran immigration which swept into the United States after 1830. The United Lutheran Church (formed in 1918) is often termed "English" Lutheran, since it is made up largely of the older German element,

the descendants of the colonial German immigrants. The German bodies, noted above, still use the German language to a large extent in their theological seminaries as well as in their churches, and are, as a whole, extremely conservative in their theology. The Missouri Synod, whose official name is Evangelical Synod of Missouri, Ohio and other States, was organized in 1847 under the leadership of Rev. C. F. W. Walther and has a membership (1933) of 1,163,795. The American Lutheran Church represents a merger of three former independent German bodies, Synod of Ohio, Synod of Iowa and Synod of Buffalo, which was accomplished in 1930 and has a present membership of 499,304 (1933). The Joint Synod of Wisconsin was formed in 1851 and has a membership of (1934) 207,821.

[Abdel R. Wentz, *The Lutheran Church in American History*.]
WILLIAM W. SWEET

German Mercenaries, in American history, were the troops hired by Great Britain from several German princes to fight against the "rebellious" American provinces. Since England lacked trained soldiers in sufficient numbers, since enlistment was slow and conscription out of the question, the ministry attempted to obtain 20,000 men from Russia. Failing in this, it entered into negotiations with eight German princes and finally made treaties with six (of whom three were related to George III). In the course of the Revolutionary War a total of 29,875 such German officers and men were sent to America. Hesse-Cassel sent 16,992; Brunswick, 5723; Hesse-Hanau, 2422; Anspach-Bayreuth, 2353; Waldeck, 1225 and Anhalt-Zerbst, 1160. For the services of these troops England paid £1,770,000 sterling in levy money and subsidies to the princes alone, a small sum when one considers that many of the officers had received excellent training in the Seven Years' War, that the men were well disciplined—for the princes maintained relatively large standing armies, partly for the purpose of hiring out troops—and that, moreover, the Germans constituted about one third of all the land forces fighting for the king in North America.

These auxiliaries were organized much like the British army, the small regiments having an unusually large number of officers and also surgeons, chaplains, drummers and musicians. They fought under three successive commanders, von Heister, von Knyphausen and von Lossberg—all Hessians⁷¹, each with his own staff and the same rank as the British commanders. Though under British high command, they sometimes made independent excursions, e.g., Knyphausen into Jersey while Clinton was at Charleston. Usually,

however, they operated as brigades, regiments, or corps in conjunction with British troops and under British commanders. North of the Floridas no major operation took place in which Germans did not take part.

At first they were generally feared by the Americans, but soon they were respected as soldiers and treated kindly as prisoners. Congress issued several alluring proclamations urging them to desert. Of the 12,554 who did not return to Germany many had either deserted (Armand's Legion was made up entirely of German deserters) or received permission to remain here after the war. Others had been bought out of prisons by farmers, tradesmen and even by prospective wives. The Duke of Brunswick, moreover, ordered all those of doubtful health or character to be sent to Nova Scotia, along with the Loyalists^{ss}.

[E. J. Lowell, *The Hessians and the Other German Auxiliaries*.]

B. A. UHLENDORF

Germanna, the oldest white settlement in Orange County, Va., took its name from Germans located there, in 1714 and later, by Alexander Spotswood to work his mines. He himself made his home there after he retired from the governorship in 1722 until his death in 1740.

[John W. Wayland, *Historic Homes of Northern Virginia*.]

JOHN W. WAYLAND

Germantown, Battle of (Oct. 4, 1777). After his defeat on the Brandywine^{ss} Sept. 11, Washington retired in good order, skirmishing with the British almost daily to prevent Lord Howe's sending assistance to Burgoyne^{ss}. Confident, if this could be prevented, of Burgoyne's destruction, Washington conceived an idea for a decisive victory over Howe, who had disposed his main force around Germantown, just outside of Philadelphia, while Cornwallis' division occupied the city itself. This battle project was second in audacity only to that of Trenton^{ss}, and came remarkably near to success. With his inferior and poorly trained force, Washington planned to converge by four roads upon Germantown at dawn, drive the British army back on the Schuylkill River and destroy it or force its surrender.

The night march of Oct. 3-4 was beset with the usual unexpected delays, and at dawn a dense fog prevailed, to which may largely be attributed the failure of the plan. The right wing under Sullivan struck an advance post of the enemy and drove it back to Judge Chew's large mansion, where the British took refuge, firing from the windows. A detachment was left to besiege them, and Sullivan pressed on. The left wing under Greene was a bit slower in reaching the scene;

nevertheless, the British were being crumpled up and victory seemed assured, when an incident occurred which contributed to turn the tide of battle. Stephen, of the left wing, coming up behind Wayne of the right in the fog, mistook the latter for the enemy and fired upon his brigade. Wayne's men, thus beset on both sides, fell back in confusion upon Sullivan's other brigades. However, the Americans continued to press the attack after this incident, and then fell back in a panic, caused possibly by the firing of the Chew House in their rear, the fog and lack of ammunition. A general retreat began, and though the panic quickly subsided, the moment for success had been lost. Cornwallis, hearing the firing, rushed two battalions to the field, who aided in driving the Americans back. They retreated in good order, bringing off all their cannon as well as some captured British guns. One American regiment, however, was surrounded and made prisoners. The American loss was 1071, the British 535. Washington's daring and strategy created a deep impression in Europe, and Germantown is said to have done almost as much toward gaining the aid of France as Burgoyne's surrender.

[C. H. Van Tyne, *War of Independence*; F. V. Greene, *Revolutionary War*.]

ALVIN F. HARLOW

Germantown, Pa., was founded Oct. 24, 1683, by a band of German Quakers and Mennonites^{ss} led by Francis Daniel Pastorius. He was agent for the Frankfort Land Company which purchased from Penn 25,000 acres six miles from Philadelphia. This event marked the beginning of the German immigration^{ss} to Pennsylvania. Germantown (German Towne or Germanopolis) never became large because it was a base for the distribution of the Germans into the interior. Christopher Saur's famous printing press and type foundry were established here in 1738.

[Samuel W. Pennypacker, *The Settlement of Germantown*.]

J. PAUL SELSAM

Geronimo's Campaigns in New Mexico, Old Mexico and Arizona, coming after the general threat of Indian hostilities had been removed, caused more of a sensation than if they had been waged fifty years earlier. The Apaches^{ss}, always independent, resented their removal from southern New Mexico to the San Carlos agency in Arizona, and Geronimo and his band decamped for Mexico in 1876. He later returned but after a time headed a revolt that ended as a raid into Sonora, and it was only after long trailing and hard fighting that the band was finally surrounded by the force of Gen. Crook in the Sierra Madre

Mountains in 1882. After a third return to San Carlos reservation, Geronimo broke out again in 1884 and waged bloody guerrilla warfare in Arizona and New Mexico. Although his band had few fighting men, and had to live off the country while carrying their women and children with them, they led the American forces such a cleverly deceptive race that Geronimo won respect as a strategist. Not until Mexican troops and American forces under Gen. Miles had driven them to exhaustion did the little band surrender in 1886. They were sent first to Florida, then Alabama and later to Fort Sill, Okla.

[F. W. Hodge, *Handbook of American Indians*; F. C. Rockwood, *The Apache Indians*.]

CARL L. CANNON

Gerrymander. The word gerrymander was first used during Elbridge Gerry's second term as governor of Massachusetts, when a bill was passed (Feb. 11, 1812) redistricting the state in order to give the Jeffersonian Republicans^{an} an advantage in the election of state senators. It was derived from a caricature representing a strangely shaped three-member Republican district in Essex County as a salamander, which quickly became gerrymander.

Gerrymandering, or redistricting for partisan advantage, has been applied to congressional, state and city districts. Its purpose is to concentrate in a few legislative districts the minority voting strength. In order to protect rural areas, certain state constitutions and laws deliberately create an apportionment which is, in effect, an antiurban gerrymander. Because of the mobility and shifting of population, the gerrymander is a dangerous weapon in city districting.

To prevent its use, certain state constitutions and Federal laws have provided that legislatures must divide states into districts of compact territory and substantial equality in population. But none of these have destroyed gerrymandering. When provisions of this character have come before state courts, no uniform rule has resulted. Some courts permit wide legislative discretion; others, believing the injustice too obvious, have interfered.

[E. C. Griffith, *Rise and Development of the Gerrymander*; R. Luce, *Legislative Principles*; P. S. Reinsch, *American Legislatures and Legislative Methods*; C. O. Sauer, in *American Political Science Review*, Vol. XII, 403.]

THOMAS S. BARCLAY

Gettysburg, The Battle of (July 1-3, 1863), decided the outcome of the invasion of Pennsylvania^{an} and, with the simultaneous surrender of Vicksburg^{an}, forecast Confederate defeat in the Civil War. Pettigrew's (C.) North Carolina Bri-

gade, attempting to raid Gettysburg, June 30, reported to Gen. R. E. Lee, then at Greenwood, that it had encountered Federal cavalry and had returned to Cashtown. Lee doubted that the enemy had reached Gettysburg so soon, but as he already had ordered a concentration in that direction of his 70,000 troops, he sent Hill's Third Corps toward the town. On July 1, near Willoughby Run, Hill was repulsed by Reynolds' (U.) I Corps, but the Second Confederate Corps (Ewell's), marching southward, arrived opportunely, turned the Federal right, cleared Gettysburg, and drove the Federals to Cemetery Hill, south of the town. Ewell, new to corps command and unused to discretionary orders, did not adopt Lee's suggestion that he storm Cemetery Hill that evening. Lee ordered up Longstreet's corps, then the rear guard, and advanced Hill to Seminary Ridge. Eastward and parallel to this ridge, at an average distance of 1300 yards, across the Emmitsburg Road, was another elevation, Cemetery Ridge, which ran northward almost to Gettysburg and, at Cemetery Hill, turned eastward to another summit, Culp's Hill. Lee reasoned that the Federals would occupy this entire ridge and, accordingly, he planned for Longstreet on the 2nd to attack diagonally across the Emmitsburg Road and to get astride Cemetery Ridge before the Union army could reach it. At daylight on the 2nd this seemed feasible, but before Longstreet could get in position, Meade (U.), hurrying up from the line March Creek-Manchester, had his II, III and V corps on Cemetery Ridge, the XII on Culp's Hill, and the XI in support of the battered I on Cemetery Hill. The VI Corps was in general reserve. When, therefore, Longstreet attacked in the late afternoon of July 2, he encountered heavy opposition. His only material gain was the capture of a good artillery position in Peach Orchard near the Emmitsburg Road. Ewell, who had orders to demonstrate when Longstreet attacked and to assault if Longstreet succeeded, easily captured Culp's Hill. One of his divisions, Early's, almost reached the Federal batteries on Cemetery Hill but had to fall back for lack of support. In these circumstances, Lee felt that his one hope of victory was to break the Federal center by a direct assault on Cemetery Ridge. For this purpose, on July 3, he intended to use the whole of the First Corps, but, when Longstreet objected that this would expose the right, Lee chose for the assault Pickett's fresh division of the First Corps, Heth's (temporarily under Pettigrew) of the Third Corps and two brigades of Pender's division, also of the Third. About 125 guns were placed to cover the advance. Ewell's orders were

to co-operate substantially as on the previous day. It was two o'clock on the 3rd before Longstreet reluctantly ordered Pickett's Charge⁹⁹ against the front of the II Corps. When this failed with bloody losses, Meade did not feel strong enough to deliver a counterstroke. The only attempt of this character, a cavalry attack on the Confederate right, was easily beaten off by Stuart's (C.) men, who had returned on the 2nd from their long raid. Back on Seminary Ridge with the survivors, in whose presence Lee took all blame for the failure, the commanding general learned that Ewell had been able to accomplish nothing that day. Retreat was the only course left to Lee. On the evening of July 4, in a torrential rain, he started for the Potomac. Behind him, or groaning in the ambulances, were 20,000 casualties. Meade, who had lost 23,000, was so slow and cautious in pursuit as to provoke criticism which temporarily silenced the praise he had received for his admirable defense. To the excellence of that defense, more than to anything else, victory was due. Overconfidence on Lee's part, poor co-ordination of attack, and the inferiority of the Southern artillery were the other major reasons for the Confederate defeat.

[A. Doubleday, *Chancellorsville and Gettysburg*; D. S. Freeman, *R. E. Lee*, Vol. III.]

DOUGLAS SOUTHALL FREEMAN

Gettysburg Address, THE (Nov. 19, 1863), was delivered by Abraham Lincoln at the dedication of the national cemetery at Gettysburg, Pa. The address was not written on the train, as readers of *The Perfect Tribute* have been led to believe, but was completed in Washington, although Lincoln made minor changes at Gettysburg. At the dedication, the President read slowly from manuscript. Tired by the two-hour oration of Edward Everett, the crowd applauded without enthusiasm. Contrary to the general belief, some American critics recognized the literary merit of the address almost at once; others, for partisan reasons, belittled or denounced it.

[W. E. Barton, *Lincoln at Gettysburg*.]

PAUL M. ANGLE

Ghent, Treaty of. The War of 1812⁹⁹ was scarcely begun when on June 26, 1812, the American Government made preliminary overtures for peace, on terms, however, unlikely of acceptance. Again, on Sept. 21, 1812, the Russian chancellor proffered a mediation, accepted at Washington, March 11, 1813, but rejected at London. Lord Castlereagh, however, on Nov. 4, 1813, offered a direct negotiation, which was accepted on Jan. 15, 1814, and Henry Clay and Jonathan

Russell joined James Bayard, Albert Gallatin and John Quincy Adams, who were already named in response to the Tsar's preliminary mediation. The British representatives were Lord Gambier, Henry Goulburn and William Adams. Negotiations took place at Ghent.

America's chief demand, abandonment of impressment⁹⁹, was relinquished on June 27 as unattainable. In June, the British tone was high. Lord Castlereagh had returned from Paris with what Admiral Mahan calls a "consciousness of mastery." Far from concessions on impressment, England would protect her Indian allies with a buffer state, along with other territorial readjustments, and would demand military control over the Great Lakes. A position so advanced was unwarranted by the military situation, and proved untenable. When the United States rejected these proposals, Great Britain fell back upon a restoration of the Indians to their treaty rights as of 1811. The United States denied that the Indians were a subject for direct negotiation, but agreed that Indian rights should be respected.

On Sept. 27, news reached London of the capture and burning of Washington⁹⁹, but, out of deference for Tsar Alexander I, a conciliatory tone was not abandoned. Lord Bathurst did, however, on Oct. 18 and 20, contend for *uti possidetis*, or the principle that each party should retain existing holdings. On Oct. 21 news reached London of Commodore Macdonough's victory⁹⁹ on Lake Champlain, thereby rather counteracting the capture of Washington, and on Oct. 24 the Americans rejected *uti possidetis*, insisting upon a basis of complete mutual restitution. A temporary deadlock ensued.

But larger forces wrought for peace. The Continental situation grew increasingly involved. British finances labored under an unprecedented strain. The Duke of Wellington refused an American command with a warning, Nov. 9, that a decisive victory in North America was hopeless without British supremacy on the Great Lakes. The opinion of Wellington fortified the ministry in receding from its extreme demands. *Uti possidetis* gave way on Nov. 13 to *status quo ante bellum*, which was mutually acceptable.

While Continental dangers hastened British acquiescence, America meanwhile abandoned not only impressment but also demands for commercial losses incurred in the war between France and England. American rights in the Newfoundland fisheries⁹⁹ were acknowledged. Both parties agreed to employ their best efforts to abolish the slave trade⁹⁹. Boundary commissions were provided for subsequent negotiations.

A treaty was signed by the eight negotiators on Dec. 24, 1814. It reached the United States on Feb. 11, 1815, and was formally ratified on the 17th.

[A. T. Mahan, *The Negotiations at Ghent in 1814*, *American Historical Review*, XI; Henry Adams, *History of the United States, 1801-1817*.]

LOUIS MARTIN SEARS

Ghost Dance, THE, a ceremonial dance in connection with the messiah religion, which originated among the Paiutes^o of Nevada in 1888, and spread through most of the plains Indian tribes. Originator of the doctrine was a Paiute named Wovoka (Cutter), known to the whites as Jack Wilson, who evolved it after a delirium during an illness.

Wovoka preached that belief in his doctrine would result in restoration to the Indians of their hunting grounds and reunion with departed friends. Certain symbolic dances and songs were prescribed and "ghost shirts" with specific markings were worn by the men. Hypnotic trances were features of the dances.

The Ghost Dance excitement led to the Sioux outbreak of 1890-91, during which Sitting Bull was killed, and the Wounded Knee^o fight occurred. The doctrine has disappeared except for reminiscent social dances.

[James Mooney, *The Ghost Dance Religion*, Part 2, *14th Annual Report*, Bureau of American Ethnology.]

PAUL I. WELLMAN

Ghost Towns. See Dead Cities.

Giard Tract, THE, was 5680 acres within the present Clayton County, Iowa, granted by the governor-general of French Louisiana in 1796, to Basil Giard, a French American. After the United States purchased Louisiana^o, the Government confirmed the patent, in what is said to have been the first legal title to land held by a white man within the boundaries of the State of Iowa^o.

[C. Goodwin, *The Trans-Mississippi West*.]

CARL L. CANNON

Gibbons v. Ogden (9 Wheaton 1) was decided by the Supreme Court of the United States March 2, 1824. The case is important in American constitutional history chiefly because of the broad interpretation given by Chief Justice Marshall to the word "commerce" as used in the constitutional provision giving Congress the power to regulate commerce with foreign nations and among the several states. It had an immediate importance, furthermore, in checking the growth of strife among the states over the control of steam navigation.

Even before steam navigation was demonstrat-

ed as commercially feasible Robert R. Livingston and Robert Fulton^o had secured from the New York legislature a grant of monopoly rights for a period of years for the operation of steamboats on the waters of the state. In 1808, the year following the first successful demonstration on the Hudson River, the grant was renewed. The building and operation of steamboats developed rapidly in New York and other states. Many operators wishing to do business in part or wholly in New York waters secured licenses from the Livingston-Fulton monopoly, but the demands of the monopoly resulted in bitterness and retaliation in other states. The situation threatened the return of the strife among the states over interstate commerce^o which had necessitated the creation of a federal government stronger than that provided by the Articles of Confederation^o.

The case of *Gibbons v. Ogden* arose when Ogden, who held a license from the monopoly for operation between points in New York and New Jersey, sought an injunction in a New York court to eliminate competition from Gibbons, who had no such license, but did have a license from the Federal Government under an act of Congress regulating the coasting trade. The case was argued in the Supreme Court by William Wirt and Daniel Webster for Gibbons and Thomas Addis Emmet and Thomas J. Oakley for Ogden.

Chief Justice Marshall wrote an opinion in the case characterized by his biographer as one "which has done more to knit the American people into an indivisible nation than any other one force in our history, excepting only war." He interpreted the word "commerce" broadly, to include not merely buying and selling and barter, but other forms of intercourse as well, including navigation. He reasoned that commerce among the states must be commerce in the states, and could not stop at state lines. As against Federal regulations of interstate commerce in the waters of a state, conflicting state regulations must fall. The New York grant of monopoly rights was therefore unconstitutional in so far as it was in conflict with the act of Congress regulating the coasting trade^o.

The Court did not decide whether the state measure would have been unconstitutional as it affected interstate commerce because of the constitutional grant of power to Congress to regulate interstate commerce, in the event that Congress had passed no regulatory act. Mr. Justice Johnson wrote a concurring opinion, however, in which he took the position that the grant to Congress automatically excluded the states from

the field. That subject remained one of bitter controversy for many years.

[A. J. Beveridge, *The Life of John Marshall*; Charles Warren, *The Supreme Court in United States History*.]

CARL BRENT SWISHER

Gibson, Fort (Indian Territory), was established in 1824 on the left bank of the Grand (Neosho) River, two and one-half miles from its confluence with the Arkansas. It was abandoned in 1857; reoccupied, 1863; again abandoned, 1871; regarrisoned, 1872; and finally relinquished as a military reservation, Feb. 13, 1891.

[*Outline Description of the Military Posts in the Division of the Missouri*, an official document of the Military Division of the Missouri, April 15, 1876; Grant Foreman, *Fort Gibson, Muskogee Daily Phoenix*, April 9, 1933.]

ROBERT S. THOMAS

Gibson-Linn Episode. With the opening of hostilities in the American Revolution, supplies of gunpowder and arms, formerly purchased by the colonists in England and the West Indies, were cut off. Capt. George Gibson, a Pennsylvanian who was serving in the Virginia Line under Gen. Charles Lee, conceived the plan of attempting to procure from New Orleans a supply of powder which was greatly needed for frontier protection.

Accompanied by Lt. William Linn and fifteen other men, disguised as traders, Gibson arrived at New Orleans in August, 1776, where they were taken in hand by Oliver Pollock, an influential resident American trader, who protected the party from British spies, arranged an audience for Gibson with Unzaga, the Spanish governor, and persuaded the governor to sell Gibson 10,000 pounds of powder. In a vessel, purchased and fitted out by Pollock, Lt. Linn with forty-three men set out with 9000 pounds of the powder up the Mississippi River for Pittsburgh. Early in May, 1777, the powder was delivered at that post, where it was needed as protection for the frontier from Indian attacks directed by British leaders at Detroit. Capt. Gibson, on a vessel which was also purchased and equipped by Pollock, arrived at Philadelphia in October, 1777, with the remaining 1000 pounds of powder and a letter in which Pollock tendered his services to the colonial cause.

[James A. James, *Oliver Pollock*.]

JAMES A. JAMES

Gideon Society, THE. In 1899 Samuel Eugene Hill, John H. Nicholson and Will J. Knights founded the Gideons, an organization for Christian commercial travelers. Its growth was so

rapid that its membership soon numbered several thousand. A few years after its founding the work for which the society has since become well known, that of distributing Bibles, was undertaken. Since that time nearly 1,500,000 copies of the Bible have been placed in hotels, hospitals and similar institutions, not only in the United States, but also in foreign lands.

[*Twenty-two Years History of the Gideons*, The Christian Commercial Travelers' Association of America.]

I. HOWELL KANE

Gila Trail, THE, was an early trade and emigrant route following in general the course of the Gila River and its branches between Yuma, Ariz., and several points along the upper Rio Grande from Santa Fé to El Paso. It was occasionally followed by early Spanish travelers. American fur trappers⁷⁷ used it as early as 1826. Gen. Kearny's⁷⁸ march from Santa Fé to California, in 1846, descended the Gila from the copper mines to the Colorado River and thence reached the California coast towns; soon afterward Lt. Col. Cooke's Mormon Battalion⁷⁹ marked a wagon road by way of Guadalupe Pass from the Rio Grande to Tucson, the Pima villages and the lower Gila. Subsequently the southern Gila routes were more frequently in use by California emigrants, and the Southern Pacific Railway⁸⁰ still follows them in part through Arizona, as do a number of motor highways.

[R. P. Bieber, ed., *Southern Trails to California in 1849*, and *Exploring Southwest Trails, 1846-1854*; W. H. Emory, *Notes on a Military Reconnaissance to San Diego*; P. St. G. Cooke, *Scenes and Adventures in the Army*; F. A. Golder, ed., *The March of the Mormon Battalion*.]

RUFUS KAY WYLLYS

Gilbert's Patent. In 1578, Sir Humphrey Gilbert, leading promoter of the search for a Northwest Passage, was granted letters patent by Queen Elizabeth to discover lands and plant colonies in America within a six-year period. Lands which he discovered were to be held as a royal fief, reserving one fifth of all gold and silver to the crown. Gilbert was authorized to transport English settlers, establish one or more colonies, set up a government, grant lands and make trade concessions "over a territory encompassing the settlement on all sides to a distance of two hundred leagues." All laws and religious policies were to conform to English practice. A carefully planned expedition in 1578 failed to materialize, but in June, 1583, Gilbert's fleet sailed and reached Newfoundland about the close of July. The colony failed and ended in the death of Gilbert, who was lost at sea. On March 25, 1584, Gilbert's patent was renewed in

the name of his half-brother, Walter Raleigh[™], who had been associated with Gilbert in what may be considered the beginning of English colonization in America.

[Herbert L. Osgood, *The American Colonies in the Seventeenth Century*.]

HUGH T. LEFLER

"Gilded Age," THE, was the period of currency inflation, widespread speculation, overexpansion of industry, loud booming of dubious enterprises, loose business and political morals, and flashy manners which extended from the end of the Civil War in April, 1865, to the Panic of September, 1873. It was the resultant of two main forces. One was the business boom produced by paper money, large government expenditures, high tariffs, such new inventions as Bessemer steel, the rapid development of the Middle and Far West, and the exuberant confidence of the victorious North. The other was the moral laxity produced by wartime strain, easy money, the pressure of rich corporations on the Government, and frontier influences. The title of "Gilded Age" was fixed upon the period by the novel of that name which Mark Twain and Charles Dudley Warner published in 1873.

[Mark Twain and Charles Dudley Warner, *The Gilded Age*; Allan Nevins, *The Emergence of Modern America*.]

ALLAN NEVINS

Ginseng, American, which grew in the Hudson Valley and elsewhere, was at first regarded as a weed. It resembled a root native to Korea and northern China, to which the Chinese imputed extraordinary but wholly imaginary therapeutic and pharmacological properties. On Feb. 22, 1784, Robert Morris despatched the *Empress of China* from New York with American ginseng for China. The voyage netted \$30,000. The owners, as Morris wrote to John Jay, hoped "to encourage others in the adventurous pursuit of commerce." The China trade boomed and was only restricted by the limited quantities of American ginseng available. About 1790 ginseng was displaced by the fur trade[™] of the Pacific coast as the principal medium for obtaining the silks and teas of China.

[F. R. Dulles, *The Old China Trade*.]

FRANK EDWARD ROSS

Girl Scouts, Inc., is a leisure-time organization for girls from seven to eighteen years old, founded in Savannah, Ga., March 12, 1912, by Juliette Low (Mrs. William Low) after the pattern suggested by Lord Baden-Powell for the Girl Guides of England. It provides for girls opportunities for outdoor living, training in arts and

crafts, development of personal resources, community responsibility and techniques of citizenship. The movement thus helps to fill the gap left in the education of youth by mechanical progress, urban living and other complications of modern civilization. The organization provides for democratic planning and execution of projects by the girls under the supervision of trained adult leaders. Girl Scouts, Inc., is a member of the World Association of Girl Guides and Girl Scouts, and fosters world friendship through the interchange of ideas and information, as well as through frequent international meetings. Active membership as of April 30, 1939: 530,971.

[*The Girl Scout Movement: Report of the Girl Scout Program Study*.]

ANNE L. NEW

Gist, Christopher, Travels and Journals of. In 1750 the Ohio Company[™] sent Gist, a surveyor and frontiersman of North Carolina, to explore the Ohio Valley. He left Wills Creek[™] on Oct. 31, crossed the Allegheny near the site of Pittsburgh and explored the country north of the Ohio as far as the Miami River. In March he crossed the Ohio at the Scioto and traveled in Kentucky nearly to the site of Louisville. Eighteen years before Daniel Boone, he made his way through Kentucky, reaching his home on the Yadkin May 18. From November to May, 1751-52, Gist explored lands between the Monongahela and the Little Kanawha. His journals of these expeditions discuss the suitability of the western lands for colonization and throw incidental light on Indians, fur traders and the conflict between France and England for the Ohio Valley. Gist also kept a journal of a third expedition in the West, when he went to Fort LeBoeuf[™] with Washington.

[S. J. and E. H. Buck, *The Planting of Civilization in Western Pennsylvania*; W. M. Darlington, ed., *Christopher Gist's Journals*.]

SOLOMON J. BUCK

"Give Me Liberty or Give Me Death!" In the Virginia Provincial Convention, March 23, 1775, Patrick Henry offered resolutions to organize the militia and put the colony on a footing of defense. When this met with opposition, he delivered an oration in which he is quoted as saying, "Is life so dear or peace so sweet as to be purchased at the price of chains and slavery? Forbid it, Almighty God! I know not what course others may take, but as for me, give me liberty or give me death!"

[George Bancroft, *History of the United States*.]

ALVIN F. HARLOW

Glasgow, Action at (Oct. 15, 1864). During Price's[™] expedition into Missouri, Aug. 29 to

Dec. 2, 1864, Confederate forces under Brigadier Generals Joseph O. Shelby and John B. Clark and Col. S. D. Jackman captured the Union garrison at Glasgow under Col. Chester Harding after seven hours of fighting. Army supplies were the objective and quartermaster stores were obtained.

[U. S. War Department, *The War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies* . . . , Series I, Vol. XLI, Part I, pp. 303-729, *History of Howard and Chariton Counties, Missouri*, 1883, pp. 287-289.]

FLOYD C. SHOEMAKER

Glass was made by the Virginia colonists and at Salem immediately after settlement, but no permanent manufacture was established in America until the 18th century, when small bottle works were set up at several places. By 1740 flint hollow ware and window glass were produced in New Jersey. Shortly before the Revolution "Baron" Stiegel, a German industrialist, erected a glass house at Mannheim, Pa., comparable with those abroad. The best colonial glassware is still admired for quality and beauty.

During the next half-century about 100 glass works left records of their existence in the United States. The more important of these were in or near Boston and Sandwich, Mass., New York City, Philadelphia and Pittsburgh, which supplied an increasing share of the western market.

Abundant fuel, potash and glass sands favored the industry, but skilled labor was scarce. Workers from Poland, Germany and Italy made colored beads for the Indian trade at the first Virginia glass house. "Baron" Stiegel imported German workmen for his big enterprise. Early establishments at Boston, Pittsburgh and elsewhere owed their success to foreign workers.

After the Civil War the substitution of lime and soda for costlier fluxes accelerated migration westward, and the Pittsburgh-Wheeling area became the center of this industry. A few decades later the employment of natural gas^{er} for fuel entrenched the business more strongly in the Ohio Valley.

Soon after 1820 American makers perfected the manufacture of pressed glassware, thus lowering costs and extending popular demand. The same urge toward mass production seventy-five years later encouraged the invention of automatic glass-blowing machinery, which has made the manufacture of articles of huge quantity consumption, like electric light bulbs, possible. But America's cheap fuel and materials delayed the adoption of the Siemens furnace and the substitution of tanks for glass pots, and annealing

improvements, which since 1890 have augmented productive capacity.

About 1850 household canning^{er} started a demand for fruit jars. Ten years later a great call for petroleum^{er} lamps and lamp chimneys further stimulated production. The next decade saw the plate-glass manufacture established in America to supply the needs of rapidly growing cities and display merchandizing. Before this impulse lost headway the advent of the automobile^{er} brought makers huge orders for plate and safety glass. Meanwhile the popularization of the camera widened the demand for optical glass, while in another field the rediscovery of Tiffany or iridescent glass recorded a step in the art use of this material.

[Mary Harrod Northend, *American Glass*; Edwin Atlee Barber, *American Glassware*; Victor Selden Clark, *History of Manufactures in the United States*.]

VICTOR S. CLARK

Glass-Steagall Act, THE, was passed as an emergency measure on Feb. 27, 1932. Its first two provisions were designed to permit (a) groups of five member banks in difficulties, and (b) individual member banks with a capital not in excess of \$5,000,000, to borrow at the Federal Reserve^{er} banks on collateral not normally eligible for rediscount at a rate 1% above the rate on normally eligible paper. Section 3 authorized the Federal Reserve Board, until March 3, 1933, to permit Federal Reserve banks to use United States Government obligations, in addition to gold and eligible paper, as security for Federal Reserve notes. The provisions of Section 3 were extended three times.

[F. A. Bradford, *Money and Banking*.]

FREDERICK A. BRADFORD

Glebe Lands of the Episcopal Church. A glebe is a farm owned by a parish, the use of which belongs to the incumbent minister and forms a part of his legal stipend. The first provision for such farms in America was made in Virginia in 1619. When the Church of England^{er} was established in the other Southern colonies, glebes were set apart in them likewise, in accordance with English custom. Some Northern parishes also acquired farms, either through purchase or by the gift of a wealthy individual or public official. The glebe was supposed to be furnished with the necessary farm buildings and to be stocked with cattle, and, sometimes, with slaves. After the Revolution the Episcopal Church was deprived of its glebe lands in Virginia, and they were sold (1802) for the benefit of the public treasury. In the other states, the

title to the glebes was retained, but during the long vacancies which ensued in many parishes, much of the land fell into neglect and decay. In some parishes, however, particularly in Maryland and South Carolina, the use of the glebe continued, during the early 19th century, to form an important part of the minister's stipend. As the sense of professional differentiation increased, the actual cultivation of his glebe was thought beneath the dignity of a minister, and the farms were usually rented out instead. Outside of the South, due to the growing industrialization and urbanization of the country, the use of glebes died out almost entirely. Some parishes sold their farms outright. Others rented them and applied the rent to the general parish expenses.

[P. A. Bruce, *Institutional History of Virginia in the Seventeenth Century*; W. S. Perry, *Historical Collections Relating to the American Colonial Church*, Frederick Dalcho, *History of the Church in South Carolina*; S. D. McConnell, *History of the American Episcopal Church*.]

W. W. MANROSS

Glendale, Battle of. See Frayser's Farm, Battle of.

Globe, The Washington (1830-45). Successor to Duff Green's *United States Telegraph* as "official organ" of the Jackson administration, the *Washington Globe* was first issued on Dec. 7, 1830. Its editor was Francis Preston Blair, Sr. In 1845 it was replaced as the Democratic organ by the *Washington Union*.

[W. E. Smith, *The Francis Preston Blair Family in Politics*.]

ERIK MCKINLEY ERIKSSON

Glorieta, Battle of. On March 27, 1862, a Confederate force, following the Santa Fé Trail to capture Fort Union, N. Mex.⁹⁹, encountered a Union force in Apache Cañon, and was defeated in a sharp engagement. The Federals fell back to camp near water at Pidgin's ranch, just east of Glorieta Pass. Next day, both sides reinforced to about 1700 men, they fought the battle which proved the turning-point for the Confederate cause in the Far West. The Union force finally fell back to Kosloski's ranch, the Confederates holding the field but requesting a truce to care for their casualties.

In effect, the battle was a Union victory, since a detachment had gained the Confederate rear and destroyed their baggage and supply train in Cañoncito. Leaving many of their dead for the Federals to bury, the Confederate survivors retreated to Santa Fé and down the Rio Grande⁹⁹. Jefferson Davis' dream of revolutionizing New

Mexico, Sonora and California was definitely ended.

[R. E. Twitchell, *Leading Facts of New Mexican History*, and *Old Santa Fé*.]

LANSING B. BLOOM

Gnadenhutzen, a Delaware village on the Tuscarawas River in Ohio, site of the present town so named, was founded in 1772 by Christianized Indians and Moravian⁹⁹ missionaries, migrating from Pennsylvania. During the Revolution, the pacifism of the Moravian Indians made them suspect to both sides, and in 1781 hostile Indians forced their removal to the Sandusky Valley. Parties of them, however, returned for food during the ensuing winter; and in February, 1782, warriors who had accompanied them attacked settlers in Washington County, Pa. Some hundred militiamen under Col. David Williamson surrounded Gnadenhutzen on March 7, intending to destroy the town and take the unresisting Indians to Fort Pitt⁹⁹. But when one of the Indian women was seen wearing the dress of a woman captured in Washington County, the enraged frontiersmen voted overwhelmingly to wipe out the entire band. The Indians made no resistance, and about a hundred men, women and children were brutally executed.

[Theodore Roosevelt, *Winning of the West*; E. H. Roseboom and F. P. Weisenburger, *History of Ohio*.]

SOLOMON J. BUCK

"Go West, Young Man, Go West," was first used by J. L. B. Soule in the *Terre Haute, Ind., Express*, in 1851. The expression attracted Horace Greeley, who wrote in an editorial in the *New York Tribune*, July 13, 1865: "Go West, young man, and grow up with the country." When the phrase gained popularity, Greeley printed Soule's article to show the source of his inspiration. The phrase greatly influenced clerks, mechanics and returned soldiers from the Civil War to move West to take up a homestead.

[E. P. Oberholtzer, *A History of the United States since the Civil War*.]

J. W. ELLISON

Godey's Lady's Book was first published in Philadelphia in 1830 by Louis Godey as the *Lady's Book*. In 1837 Godey bought the *Ladies Magazine* of Boston and made its editor, Sarah Josepha Hale, the literary editor of his periodical. It was this combination of Godey and Mrs. Hale that gave the magazine its standing. In the forty years of their association Godey's became the most famous and influential periodical in America. In matters of fashions, etiquette, home economics and standards of propriety Godey's was the supreme arbiter, and was the model for

the home magazine which still exerts such an enormous influence in American life. Shortly before the Civil War it had a monthly circulation of 150,000 copies. Following the sale of Godey's interests and the retirement of Mrs. Hale in 1877, the magazine was moved to New York where it finally expired in 1892.

[Frank Luther Mott, *The History of the American Magazine, 1741-1850*; Ruth Finley, *The Lady of Godey's, Sarah Josepha Hale*.]

E. H. O'NEILL

Goebel Affair, THE. William Goebel was an active northern Kentucky politician who became known as a friend of the common people. In 1899 he obtained the Democratic nomination for the governorship from a riotous nominating convention. A warmly contested campaign followed, and his Republican opponent, William S. Taylor, was declared elected. Claims were made that voters had been intimidated, and that corporations were influential in bringing about Goebel's defeat. The election returns were contested, and mountaineers from the eastern counties came to Frankfort, the capital, in large numbers. On Jan. 30, 1900, Goebel was shot by an unidentified rifleman who was hidden in the state office building. However, the legislature declared him elected, and on Jan. 31, he was sworn in as governor of the state. He died Feb. 3. The tense situation in the state relaxed during the term of his successor, the Democratic lieutenant governor, J. C. W. Beckham.

[R. E. Hughes, F. W. Schaefer and E. L. Williams, *That Kentucky Campaign*.]

T. D. CLARK

Gold, Discovery of, in California (1848). Perhaps no other event in California's history has been of such far-reaching consequence as James W. Marshall's discovery of gold in the Sierra Nevadas, on Jan. 24, 1848, nine days before the formal transfer of the territory from Mexico to the United States (*see* Guadalupe Hidalgo, Treaty of). For three centuries a series of accidents had kept the Spaniards from settling California at all, or from doing so populously when at length they did establish themselves. Thus the gold remained hidden, away from the area of the Spanish occupation, and there was no rush of gold hunters who might have made this region Spanish instead of Anglo-American. Minor discoveries of precious metal near Los Angeles prior to 1848 were not great enough in amount to produce such a transformation.

Marshall, a Scotch-American carpenter, was building a sawmill in partnership with Capt. John A. Sutter, a Swiss soldier of fortune and prominent merchant-adventurer of early Cali-

fornia. Some time on Jan. 24—probably in the morning, although authorities differ—he was at Coloma, on the south fork of the American River and between forty and fifty miles from Sacramento, making his customary inspection of the tailrace. He noticed a number of yellow particles mingled with the earth, some of which he gathered. Finding them malleable, he announced, that evening, that he thought he had found gold. Four days after the discovery, with several ounces of the metal which he and his companions had meantime collected, Marshall rode off for Sutter's Fort^o, at present Sacramento. Convinced, after various tests, of the correctness of their conclusions, Sutter and Marshall agreed to keep the discovery secret until the completion of pending business operations, and pledged the others who knew of the find to silence. Nevertheless, the news was soon out, and both Sutter and Marshall were beggared by the gold rush, which so profoundly altered the California scene.

[R. L. Rickard, *The Gold Rush to California, 1848 to 1850*, M.A. thesis, University of California, Berkeley, 1926; R. G. Cleland, *A History of California: The American Period*.]

CHARLES EDWARD CHAPMAN
ROBERT HALE SHIELDS

Gold, Federal Expropriation of. The United States was on a gold coin standard^o from Jan. 1, 1879, to April 20, 1933, and was one of the last nations to have gold coins in actual circulation. All forms of money and bank deposits were ultimately redeemable in gold coins containing 23.22 grains of pure gold per dollar; any one might bring unlimited amounts of gold to the mint^o to be coined, receiving \$20.67 for each troy ounce of 480 grains ($480/23.22=20.67$); and any one owning gold coins might melt them into bullion or export them. From the economic viewpoint, therefore, under such a gold standard the governmental act of coining gold merely cuts the gold into uniform sized pieces and stamps its guarantee of weight and fineness on the metal so the owner can use it more easily. From a political viewpoint, however, coinage^o is a sovereign power. The Constitution gives Congress the power "to coin money and regulate the value thereof" and to take any steps necessary and proper thereto. These sometimes limit the citizen's use of gold. Suspensions of specie payments^o, war-time embargoes on the export of gold and a 3% devaluation^o of our dollar in 1834 have occurred and the "due process" clause^o of the Fifth Amendment held not to be violated.

Early in 1933 numerous bank failures and a succession of state-wide banking moratoriums^o caused extensive hoarding of all money. During

February our gold stocks declined 6% and the amount of circulating money was increased one third. This reduced the reserve ratio of gold to Federal Reserve notes close to the statutory limit. On March 6 President F. D. Roosevelt, acting under the 1917 Trading with the Enemy Act⁷, proclaimed a nationwide banking moratorium and temporarily prohibited banks paying out gold or exporting it. Congress approved this action three days later. On March 8 the Federal Reserve Board⁸ asked for a list of all persons who had withdrawn gold since Feb. 1 and had not redeposited it before March 13. On April 5 the President ordered all gold coins and gold certificates in hoards over \$100 turned in for other money by May 1. Between March 4 and May 10, \$300,000,000 of gold coin and \$470,000,000 of gold certificates were taken in. Suspension of specie payments was still regarded as temporary: dollar exchange was only a trifle below par. But the President had been listening to the advice of inflationists and it is possible that the anti-hoarding order was part of a carefully laid plan. Suddenly, on April 20, he imposed a permanent embargo on gold exports, justifying the step with the specious argument that there was not enough gold to pay all the holders of currency and of public and private debts in the gold these obligations promised. Dollar exchange fell sharply. By the Thomas Amendment⁹ of May 12 Congress gave him power to reduce the gold content of the dollar as much as 50%. Abrogation of the gold clause followed on June 5. On Dec. 28 a Treasury order required all gold coin be turned in to the Government. Treasury figures showed \$287,000,000 of gold coin still out.

During the autumn of 1933 the price of gold was bid up under the Gold Purchase Plan and finally set at \$35 an ounce under the Gold Reserve Act¹⁰ of Jan. 30, 1934. This made the new gold dollar 13.71 grains of pure gold (480/35 = 13.71), although the act forbade the actual coinage of gold. The dollar value of our gold stock (formerly \$4,033,000,000) was increased by 69% or \$2,808,000,000 (23.22 is 169% of 13.71). Most of this profit has since been used as a stabilization fund¹¹ and to retire our national bank notes¹².

In *Nortz v. U. S.* (294 U. S. 317) the holder of gold certificates surrendered under protest contested through the Court of Claims the Government's refusal to redeem them in gold coin. The Supreme Court held that the certificates were not like "warehouse receipts," as was always supposed; and that Congress' actions were covered by its power to regulate the value of money.

[R. B. Westerfield, *Money, Credit and Banking*; E. W.

Kemmerer, *Kemmerer on Money*, 2nd ed.; *Federal Reserve Bulletins*, 1933-35.]

DONALD L. KEMMERER

Gold Act (1864). The depreciation of greenbacks¹³ was measured by the premium on gold. Speculators were blamed for the fluctuations in the premiums. So an act was passed, June 17, 1864, making it unlawful to buy or sell gold for future delivery or to buy or sell foreign exchange to be delivered after ten days. The result was such an increase in the fluctuation of the price of gold that the act was repealed July 2, 1864.

[D. R. Dewey, *Financial History of the United States*.]

JAMES D. MAGEE

Gold Bugs was a name given by the Free Silverites, in the campaigns which culminated in 1896, to those in favor of the Gold Standard¹⁴. The reproach was applied particularly to those Eastern bankers who were alleged to have made debts harder to repay by the "Crime of '73"¹⁵ which demonetized silver.

[A. B. Hepburn, *A History of Currency in the United States*.]

JAMES D. MAGEE

Gold Certificates were first authorized under the act of March 3, 1863. Their issuance was discontinued between Jan. 1, 1879, and the passage of the act of July 12, 1882, which authorized and directed their issuance in exchange for gold coin or bullion¹⁶ in amounts of not less than \$20, and made them receivable for customs, taxes and public dues. They were made full legal tender¹⁷ in 1919 and constituted part of the general circulation until called in by President F. D. Roosevelt in March, 1933. The Gold Reserve Act of 1934¹⁸ created a new type of gold certificate not designed for general circulation.

[Bureau of the Mint, *Monetary Systems of the Principal Countries of the World*.]

FREDERICK A. BRADFORD

Gold Clause Cases (1935). The Joint Resolution of June 5, 1933, abrogated the gold clause, which had provided for the payment of principal and interest in gold, in existing governmental and private contracts, and made practically all kinds of hand-to-hand money legal tender¹⁹ in the satisfaction of such obligations. As a result of this resolution, four suits were later brought, two against the Government and two against railroad companies. One of the plaintiffs was the holder of a Liberty bond²⁰, one the holder of gold certificates²¹, and two the holders of railroad obligations, all the securities in question bearing the gold clause. It was claimed by the plaintiffs that they were defrauded of property due them

under the gold clause by virtue of the Government's monetary program.

The Supreme Court rendered a decision on these cases on Feb. 18, 1935. In the two cases involving private contracts (railroad bonds), the decision was 5 to 4 against the plaintiffs, the grounds being that private contracts were powerless to interfere with the constitutional right of the Congress "to coin money and regulate the value thereof."

In the case involving the Liberty bond, the Supreme Court unanimously (Justice Stone dissenting in part only) declared the action of the Government unconstitutional, but refused to grant the plaintiff damages on the ground that he had neither shown nor attempted to show loss of buying power in receiving payment in currency other than gold coin of the traditional weight and fineness.

With regard to gold certificates, the Court decided against the plaintiff, pointing out that had he received gold dollars of 25.8 grains of gold, nine-tenths fine, he would have immediately had to turn them over to the Government for other forms of currency under the law as it stood at the time and the constitutionality of which was undisputed.

[*The New York Times*, Feb. 19, 1935.]

FREDERICK A. BRADFORD

Gold Democrats, THE, repudiating Bryan's radical, free-silver^{er} platform, organized a "National Democratic Party" (at Indianapolis, Sept. 2-3, 1896) and nominated Sen. J. M. Palmer of Illinois and Gen. S. B. Buckner of Kentucky as candidates on a conservative, gold platform, thus providing an anti-Bryan ticket for those Democrats who wished to defeat Bryan without voting outright for Republican candidates. Many Gold Democrats either voted for McKinley or avoided voting, so that Palmer polled only 134,645 votes. Gold Democrats did not nominate in 1900, because some drifted back to the Democratic party and others into the Republican.

[James A. Barnes, *John G. Carlisle*.]

JEANNETTE P. NICHOLS

Gold Exchange, THE, was organized by thirty or forty men in the autumn of 1862. Gold had been bought and sold for greenbacks^{er} in shops of Wall Street brokers since the first of that year and later by a group of brokers in a restaurant. These makeshifts shortly proved inadequate, however, and the gold exchange was therefore established. It was provided that any respectable citizen could become a member by paying \$100 a year to defray expenses, and the membership of the exchange finally attained 450. At first gold was actually delivered. Then, in 1865, the Treas-

ury facilitated dealings by issuing gold certificates of deposit which could be more easily transferred than the gold itself. Finally, when business became very large, the Gold Exchange Bank was organized and sales and purchases were cleared each day, payment of balances only being made. The gold exchange gave rise to certain speculative evils, but it was a commercial necessity and served a useful purpose until the United States resumed gold redemption at the beginning of 1879.

[H. White, *Money and Banking*.]

FREDERICK A. BRADFORD

Gold Hoards, Federal. The actual safekeeping of a large share of the monetary gold of the country has, for years, fallen to the lot of the Treasury. Thus, on June 30, 1932, out of a total monetary gold stock of nearly \$4,000,000,000, just over three fourths was held by the Treasury, representing gold held in trust against gold certificates and gold held for Federal Reserve banks^{er} and agents, in addition to gold owned by the Government itself. This was held at the various mints and assay offices.

With the advent of the F. D. Roosevelt administration in 1933, gold coin was recalled from circulation, and, with the passage of the Gold Reserve Act of 1934^{er}, the Federal Reserve banks were required to turn their gold holdings over to the Treasury in exchange for credits or a new type of non-circulating gold certificate. The safeguarding of the entire gold reserve of the country thus fell to the lot of the Federal Government.

Presumably as a matter of safety, it was decided to keep the bulk of the gold holdings in the interior of the country. The Fort Knox military reservation in Kentucky was decided upon as the site for a gold depository, and, on Aug. 13, 1935, Congress authorized the transfer to the Secretary of the Treasury of a portion of the property within this reservation. The erection of a gold bullion depository was begun, and the first shipment of gold was made to Fort Knox on Jan. 11, 1936.

Since this first shipment, a substantial part of the monetary gold of the country has (1939) been transferred to the Fort Knox depository. In the first six months of 1937 over \$5,000,000,000 worth of gold bullion was shipped there from the assay office at New York and the mint at Philadelphia. On June 30, 1937, the gold holdings at Fort Knox were reported exactly by the Director of the Mint as \$5,523,706,735.45.

In addition to the Fort Knox gold hoard, the Government, on June 30, 1937, held gold bullion to the value of slightly more than \$3,700,000,000 at the Denver mint, and another \$2,700,000,000

worth at the New York assay office. Something over \$250,000,000 worth of bullion was held at the San Francisco mint, with minor amounts at the Philadelphia mint and the New Orleans and Seattle assay offices. A trifling amount of gold coin was also held at the Philadelphia and Denver mints and at the New York assay office.

[*Annual Report of the Director of the Mint, 1937.*]

FREDERICK A. BRADFORD

Gold Mines and Mining. The United States Bureau of Mines⁷⁰ has estimated that from 1493 to 1935 throughout the world 1,191,717,210 ounces of gold have been mined. The Americas provided 38% of that gold. The United States alone provided one fifth of the world's supply.

The Spaniards sent many expensive gold-seeking expeditions north of Mexico without success, but in Alta California small diggings were worked with arrastres in 1815 and the first recorded gold mining claim was in the San Fernando Valley, Calif., April 4, 1842. The Spaniards did little mining in what is now the United States, but the influence of their centuries-old mining code was tremendous. The Spanish-Mexican law recognized the justice in granting the discoverer two claims instead of one. It allowed the discoverer ninety days to sink a shaft ten yards (varas) deep and to stake off 200 yards along the lode. It required the claim to be recorded in the nearest district and to be published by posting on the church or government building. It required that the claims must be worked or they would be declared forfeit. All these found exact counterparts (using "feet" instead of "varas") in the early mining districts of gold rush days (see Mineral Patent Law of the United States).

The first real mining in the United States was in the southern Appalachian Mountains. These mines produced over \$5,000,000 worth of gold between 1824 and 1837. North Carolina and Georgia contributed most and the Federal Government established branch mints at Charlotte, N. C., and Dahlonega, Ga.

The first great discoveries were 1849-59, resulting in the California and Pikes Peak gold rushes⁷¹. Then in the late 1870's the deposits in the Black Hills⁷², S. Dak., and Juneau, Alaska, were found. And the richest discoveries of all were made in the fifteen years following 1890 at Cripple Creek⁷³, Colo., and the Yukon Valley from Fairbanks to Nome, Alaska.

The methods used in the mining of gold are determined by the nature of the gold deposits themselves. Gold occurs in nature either as free gold, i.e., pure gold needing only to be separated from the sand or rock in which it is found, or in chemi-

cal combination with some other element. A placer mine is one in which the free gold is mixed with sand or other debris. If this gold-bearing gravel is agitated in a pan of water the gold, being heaviest, will settle to the bottom of the pan. This simple principle is fundamental. The rocker, sluice, tom, dredge and hydraulic nozzle are all devices to increase the amount of debris which can be washed with a given amount of time and labor. The most famous placer deposits have been the California discoveries of 1849 and the Yukon-Klondike deposits whose vast gold-bearing sands, hidden by two to twenty feet of frozen peat moss, were not discovered until 1896. Free gold is also found in veins or lodes. Here it is found embedded in quartz or rock. The rock must be mined and crushed fine, after which the gold can be separated as in placer mining⁷⁴.

Gold in combination with other elements offers problems which were not solved until the last half of the 19th century. In fact, more of the world's gold has been mined since 1900 than had been mined in the preceding 500 years. Only one chemical process was used before 1850. That was the amalgamation process based on the affinity of mercury for gold. In 1887 the cyanide process was perfected. This is based on the fact that crushed ore in a solution of potassium cyanide will form a soluble gold cyanide from which the gold can be extracted with zinc or by electrolysis. This made mining of even low-grade ores profitable.

Most of the historic deep gold mines of America are found within the United States. The world's biggest gold mine is the Homestake⁷⁵ at Lead, S. Dak. The richest gold-mining district in America and the second richest in the world is at Cripple Creek, Colo., whose two chief mines, the Portland and the Independence, have produced over \$100,000,000 since 1891. In the San Juan Mountains famous producers have been the Camp Bird at Ouray and the Liberty Bell and Smuggler-Union at Telluride. Also in Colorado are the Gregory and Bobtail mines which were the best producers resulting from the Pikes Peak gold rush of 1859. California's greatest lode mines⁷⁶ have been the Empire and the North Star at Grass Valley. In Alaska the biggest lode mine is the Alaska-Juneau. Next to it came the Alaska-Treadwell mine whose workings were mostly below the sea level and were flooded when the sea broke through in 1917.

[J. H. Curle, *The Gold Mines of the World*; G. C. Quiett, *Pay Dirt*; R. H. Ridgway, *Summarized Data of Gold Production*, Bureau of Mines Economic Paper 6; T. A. Rickard, *History of American Mining*.]

PERCY S. FRITZ

Gold Purchase Plan (Warren), THE, was first put into operation on Oct. 25, 1933, and was continued until the end of January, 1934. Under this plan, the Reconstruction Finance Corporation[™] was authorized to buy gold newly mined in the United States and, if necessary, on the world markets at prices to be determined from time to time after consultation with the President and the Secretary of the Treasury. The initial price, on Oct. 25, was fixed at \$31.36 per ounce and this price was raised, at first daily and later less frequently, to \$34.45 on Jan. 16, 1934, at which it remained until the formal devaluation[™] of Jan. 31, which fixed a price of \$35 per ounce.

The theory of the Gold Purchase Plan, apparently, was to bring about an increase in the domestic commodity price[™] level by raising the price of gold. In this respect it was a failure. Although the dollar was depreciated in the international exchange market, the price index of the Bureau of Labor Statistics, which stood at 71 (1926=100) in September, 1933, remained at this figure in October, November and December, and rose one point to 72 in January, 1934.

[F. A. Bradford, *Money and Banking*; L. Pasvolsky, *Current Monetary Issues*.] **FREDERICK A. BRADFORD**

Gold Reserve Act of 1934 (Jan. 30, 1934). At the request of President F. D. Roosevelt, Congress nationalized all gold by ordering that the Federal Reserve banks[™] should turn over their supply to the United States Treasury. In return such banks were to receive gold certificates[™] to be used as reserves against deposits and Federal Reserve notes. The act also authorized the President to devalue[™] the gold dollar so that it would have not more than 60% of its existing weight. Under this authority, the President, on Jan. 31, 1934, fixed the value of the gold dollar at 59.06 cents.

[*Statutes at Large*, Vol. XLVIII.]

ERIK MCKINLEY ERIKSSON

Gold Standard, THE, is a monetary system in which gold is the standard, or, in other words, in which the unit of value, be it the dollar, the pound, the franc or some other unit in which prices and wages are customarily expressed and debts are usually contracted, consists of the value of a fixed quantity of gold in a free gold market.

America's experience with the gold standard began in the 1870's. From 1792 down to the Civil War the country, with a few lapses during brief periods of suspended specie payments, had been on a bimetallic standard. This broke down in the early days of the Civil War and from Dec. 30,

1861, to Jan. 1, 1879, the country was on a depreciated paper money standard. In 1873 the currency laws of the National Government were revised and codified and in the process the standard silver dollar[™] was dropped from the list of coins whose minting was authorized by law (see *Crime of 1873*). The law of 1873 continued the authorization of the free and unlimited coinage of gold and the unlimited legal tender[™] quality for all gold coins, and declared the gold dollar to be the unit of value. There was a free market in the United States for gold, and gold could be exported and imported without restriction. Nonetheless the country for six years longer continued on a *de facto* greenback[™] standard with the greenbacks and national bank notes that comprised the principal money of the country circulating at a substantial discount from gold parity.

With the return of the nation to specie payments on Jan. 1, 1879, in accordance with the provisions of the Resumption Act of 1875[™], all the currency was brought to a parity with the gold dollar.

The Gold Standard Act of 1900, following the monetary difficulties associated with the bimetallic[™] controversy and the silver legislation[™] of 1878, 1890 and 1893, made legally definitive a gold standard system that had existed *de facto* with only slight interruptions since 1879. This act declared that the gold dollar "shall be the standard unit of value, and all forms of money issued or coined by the United States shall be maintained at a parity of value with this standard and it shall be the duty of the Secretary of the Treasury to maintain such parity."

The gold standard continued in full operation until the "Bank Holiday" of early March, 1933 (see *Banking Crisis of 1933*), except to the small extent that the country departed therefrom by reason of the World War embargo on the exportation of gold in effect from Sept. 10, 1917, to June 9, 1919.

Under the gold standard as it then operated in the United States the unit of value was the gold dollar which contained 23.22 grains of pure gold. Inasmuch as a troy ounce contains 480 grains, an ounce of gold could be coined into \$20.67. Under free coinage, therefore, any one could take pure gold bullion in any quantity to an American mint and have it minted into gold coins, receiving \$20.67 (less certain petty charges for assaying and refining) for each ounce, while any one melting down American gold coins of full weight would get an ounce of pure gold out of every \$20.67. Thus, to say that an ounce of gold was worth \$20.67 was like saying that a foot was twelve inches long.

In 1932, shortly before the breakdown of our gold coin standard in March, 1933, there were in circulation about \$5,500,000,000 of money of which about \$1,200,000,000 consisted of gold coin and gold certificates⁷⁷ and the balance consisted of various kinds of paper money and of coins of silver, nickel and copper. All these kinds of money the National Government was obliged by law to maintain at a parity with gold. About 90%, however, of the total volume of business in the United States at that time was performed by bank deposits⁷⁸ circulating by means of bank checks, so-called deposit currency. Our bank deposits normally amounted to over \$50,000,000,000, of which about \$25,000,000,000 were payable by check, and this volume of checking deposits circulated in a normal year through check payments on an average of something like thirty times. Yet the value of every dollar of our paper money and of our silver, nickel and copper coins, and the value of every dollar payable by bank check with which these hundreds of billions of dollars of business were effected were equal to the value of a gold dollar, namely, to the value of 23.22 grains of pure gold coined into money; and anything that affected the value of gold in the world's markets affected the value of the gold dollar in terms of which this tremendous amount of business was being done and of which all of our debt obligations were expressed. If the supply of gold thrown on the world's markets relative to the demand increased, gold depreciated and commodity prices in the United States, as in all other gold standard countries, tended upward, and if the world's demand for gold increased more rapidly than the supply of gold, gold appreciated, and commodity prices in all gold standard countries tended downward.

It is highly desirable that the value of the monetary unit, namely, its purchasing power over goods and services, shall be stable; but owing to the widespread variations in the world's supply of gold and in the world's demand for gold, the value of gold, when viewed over any considerable periods of time, has usually shown substantial fluctuations. If we think of the gold dollar as a yardstick of value and represent the value of purchasing power of this dollar over commodities at wholesale in the year 1926 in the United States by a length of 36 inches, the length of this yardstick would have been as follows for the dates specified: 1913, 52 inches; 1920, 23 inches; 1921, 37 inches; 1929, 37 inches; 1932, 57 inches.

When the yardstick shrinks, we have inflation, a rising cost of living and excesses in speculation, and when the yardstick expands, we have deflation and depression⁷⁹. Inflation helps the debtor

at the expense of the creditor, the exporter at the expense of the importer, the speculator at the expense of the man with a fixed income, the capitalist at the expense of the laborer. Deflation does substantially the opposite. Both inflation and deflation are bad.

There is little difference of opinion among economists on the desirability of obtaining a stable unit of value. The difficulty is in finding how to accomplish this purpose. This is the great monetary problem of the ages. While gold as a monetary standard during the last half-century has been far from stable in value, it has been more stable than silver, its only competing monetary metal, and its historical record has been very much better than that of paper money standards. Furthermore, its principal instability has usually been experienced during great wars, or shortly thereafter, and at such times all other monetary standards have proven highly unstable.

During the early years of the world economic depression beginning in 1929⁸⁰, the position of the gold standard in the United States was strong. Then suddenly the country was confronted with the events that culminated in the "Bank Holiday" of early March, 1933. There were widespread runs on our banks and a great break in confidence in our currency accompanied by a pronounced hoarding movement. By March 4 the banks in all states were either closed or operating under restrictions, and on the morning of March 6 the President issued a proclamation declaring a bank holiday and virtually suspending the gold standard.

From that time until the end of January, 1934, the country was on a depreciated paper money basis. The coinage and circulation of gold were discontinued. Contracts specifically payable in gold were rendered unenforceable and the ownership of gold coins, gold certificates, or even gold bullion (except under license) was made a criminal offense (*see* Gold Clause Cases).

Then, after a short period of paper money standard experience, including our ill-fated experimentation with the Warren gold purchase plan⁸¹, Congress passed the Gold Reserve Act of Jan. 30, 1934⁸², which gave to the United States a new legal monetary unit of about the gold value possessed by the paper dollar of that date and provided the country with a new type of monetary standard. In this new monetary plan three outstanding features should be noted:

1. CREATION OF A NEW UNCOINED GOLD DOLLAR OF REDUCED WEIGHT. The statutory stabilization of the dollar was effected not as previously at a fixed gold value, but within the fixed range of gold values represented by 50% to 60% of our

former gold dollar. This provision of the law was supplemented by an administrative order of the President fixing the gold value of the dollar for the time being at the value of 13 71 grains of pure gold or the equivalent of 59.06 cents of the gold value of the old dollar—a rate which raised the dollar price of an ounce of pure gold from the former statutory price of \$20.67 to a new administrative price of \$35, representing an increase of 69.3%. The President was authorized by law, at his discretion, to change the gold value of the dollar at any time to any point within the limits here imposed; and the Executive was also given authority to purchase gold in any amounts “at such rates and upon such conditions as he may deem most advantageous to the public interest . . .”

II. ESTABLISHMENT OF A STABILIZATION FUND OUT OF “DEVALUATION PROFIT.” When the stabilization law was passed the National Government and the Federal Reserve banks together owned a little over \$4,000,000,000 of gold coin and gold bullion. Inasmuch as under the devaluation plan the value of the amount of pure gold in 59.06 cents of old gold coin was to constitute, at least for the time being, the new unit of value or dollar, this \$4,000,000,000 of gold coin and bullion was increased in terms of the new dollar by about 69% or \$2,806,000,000. Since the passage of the stabilization law additional receipts of gold have substantially raised this profit out of which \$2,000,000,000 has been set aside by the Government for a stabilization fund⁹.

III. GOVERNMENT TAKES OWNERSHIP OF ALL MONETARY GOLD. A third noteworthy provision of the stabilization law declares that legal title to all gold owned by the Federal Reserve¹⁰ authorities shall be transferred to the United States Government and shall be paid for by the Government in so-called “gold certificates” which the Federal Reserve banks hold as reserve money in place of gold.

The standard created by this new legislation is difficult to define. Legally it might be classed as a restricted commodity standard, for the monetary unit fixed by law may have a range in gold value anywhere from 50% to 60% of the value of our former gold dollar, and the law apparently contemplates the possibility of varying the gold value of the dollar within this range according to the ups and downs of the commodity price level. Since the law was enacted, however, there has been no change in the gold content of the dollar, and the law has been administered in such a way as to create a *de facto* gold standard. So long as the Government or its agencies buy and sell gold on demand at approximately a

fixed gold price—now \$35 an ounce—and permit gold to be freely exported and imported in unlimited quantities at practically this price, and so long as they permit the supply of the currency to respond to these gold movements, the gold value of the paper dollar will be maintained very close to the value of a fixed quantity of gold in a free market, and the country will be upon an administratively *de facto* gold standard.

[Davis R. Dewey, *Financial History of the United States*; A. D. Noyes, *Forty Years of American Finance*, and *The War Period of American Finance, 1908-1925*; Edwin W. Kemmerer, *Money*, and *Kemmerer on Money*; Leo Pasvolsky, *Current Monetary Issues*; The National Industrial Conference Board, *The New Monetary System of the United States*.]

EDWIN W. KEMMERER

Gold Telegram of Parker, THE, informed the Democratic National Convention, July 9, 1904, at St. Louis that, since their platform was silent on money, the presidential nominee, Alton B. Parker, desired to affirm his adherence to the gold standard¹¹, so that the convention could nominate another, if desired. Neither platform nor nominee was changed.

[Edward Stanwood, *A History of the Presidency*.]

JEANNETTE P. NICHOLS

Golden Gate Bridge was erected, at a cost of approximately \$35,000,000, by the Golden Gate Bridge and Highway District, created by the California legislature (1923, 1928). The bridge links San Francisco peninsula with counties along the Redwood highway to the north. The central span is the longest (1939) clear span in the world—4200 feet; and the total length, with approaching viaducts, is a mile and three quarters. Six lanes are provided for motor traffic, and sidewalks for pedestrians. Actual construction work began Jan. 5, 1933, and the bridge was opened to traffic, May 28, 1937.

[*Story of the Golden Gate Bridge*, pamphlet, San Francisco, 1936.]

P. ORMAN RAY

Golden Gate International Exposition, THE (Feb. 18–Oct. 29, 1939), was built on “Treasure Island,” described as the world’s largest man-made island (430 acres) in the center of San Francisco Bay. It dedicated itself to the glorification of Western and Pacific achievements and to Transportation and Communications as symbolized by the world’s two largest bridges which span San Francisco Bay; the transpacific air routes; the giant water and power projects of the West; the radio, cinema and television. Estimated total cost of the Exposition was \$55,000,000; total paid admissions 10,496,203. At the close of the Fair there was \$500,000 in cash in the treasury;

claims against the Corporation totaled \$4,600,000 for the receiver to adjust. Plans for a second year of operation were devised but met with an uncertain response. The Fine Arts Palace, the Cavalcade of the Golden West and the Folies Bergères each drew more than a million and a quarter paid visitors. The Federal Government appropriated \$1,500,000 and the State of California \$5,000,000 for participation. The site will ultimately be used as a municipal airport and seadrome.

FRANK MONAGHAN

Golden Hill, Battle of (Jan. 18, 1770). The Liberty Boys⁹⁹ of New York City had for three years been at odds with the British soldiery, who felled their liberty poles now and then. On the day of the skirmish, three soldiers who were posting insulting placards were seized by Isaac Sears, a Liberty Boy leader, and some comrades. Other soldiers rushed to the rescue, followed by other citizens, and a street fight took place at a spot known as Golden Hill (in the vicinity of William Street above Wall). The sixty soldiers charged the citizenry with cutlass and bayonet; several of the latter were wounded, and it is said that one died of his injuries. There was another sharp clash on the following day.

[Charles F. Horne, *History of the State of New York.*]

ALVIN F. HARLOW

Golden Hind, THE, originally named the *Pelican*, the first English vessel to circumnavigate the globe, sailed from Plymouth, Dec. 13, 1577. She was rechristened the *Golden Hind*, by her commander, Sir Francis Drake, in Magellan Strait; sailed up the South American coast, plundering Spanish treasure ships; and reached the present vicinity of San Francisco, June 15, 1579. She sailed home round the Cape of Good Hope, reaching Plymouth, Sept. 26, 1580.

[Sir Julian Corbett, *Drake and the Tudor Navy.*]

LOUIS H. BOLANDER

Goliad, Massacre at (March 27, 1836). Col. James W. Fannin, Jr., of the Texan army, surrendered to the Mexicans his force of about 400 Anglo-Americans, near Goliad, Tex. They understood that they were surrendering as prisoners of war to be returned to the United States. Pursuant to a decree of the Mexican government that foreigners taken on Mexican soil be treated as pirates, they were shot down in merciless fashion one week after their surrender.

[C. R. Wharton, *Texas under Many Flags.*]

RUPERT N. RICHARDSON

Gonzales, Battle of (Oct. 2, 1835), the first battle of the Texas Revolution⁹⁹, was caused by

the demand of the Mexican military commander at San Antonio that the people of Gonzales surrender a cannon which they had for protection against the Indians. The demand was refused, whereupon a force of 100 men was sent to seize the gun. A band of Texas volunteers engaged and routed them a few miles from Gonzales.

[George P. Garrison, *Texas.*]

C. T. NEU

Good Neighbor Policy, THE. In his first inaugural address, March 4, 1933, President F. D. Roosevelt said: "In the field of world policy I would dedicate this nation to the policy of the good neighbor—the neighbor who resolutely respects himself and, because he does so, respects the rights of others." Among subsequent acts of the Roosevelt administration in keeping with the policy may be mentioned the renunciation of armed intervention in Latin America in 1933; the abrogation of the Platt Amendment and the withdrawal of marines from Haiti in 1934; and participation in the Buenos Aires agreement of 1936 which presumably made the Monroe Doctrine a multilateral instrument for all the Pan-American republics⁹⁹.

[James T. Shotwell, *On the Rim of the Abyss.*]

BENJAMIN H. WILLIAMS

Goodnight Loving Trail, THE, was a cattle trail named for Charles Goodnight and Oliver Loving who drove the first herd over this route in 1866. Starting near Fort Belknap⁹⁹, Tex., it ran southwest and west to Horsehead crossing of the Pecos, and up the east bank of that stream to Pope's well near the southern border of New Mexico. Here it crossed the Pecos and followed the west bank, recrossing it above the mouth of Black River, and thence nearly due north to Fort Sumner⁹⁹, N. Mex., its western terminus. Here the cattle were sold to the United States Government to feed a large number of Navajo and Apache Indians⁹⁹ that had been concentrated near this post. By 1870 it was well established. An extension of this trail continued north to Denver and Cheyenne. Herds driven over this extension were either sold at the mining camps for slaughter or used to stock new ranges in this area.

[J. Evetts Haley, *Charles Goodnight, Cowman and Plainsman.*]

EDWARD EVERETT DALE

Gore. A small piece of land, generally triangular in shape, lying between larger areas; in Maine and Vermont, and formerly in Massachusetts, a minor unorganized territorial division, usually irregular in shape and lying between two towns. In some states, as in southern Indiana.

long narrow strips of land cut off by bends in large rivers are known as gores. The term has also been used with respect to small areas which have been the subject of boundary disputes. Thus, the area at the northeast corner of Vermont, between the Connecticut River and Hall's Stream and south of the Vallentine and Collins Line, associated with the Indian Stream Republic²⁷, was long known locally as "The Gore." Many maps still show it incorrectly as a part of New Hampshire. The term was also applied to a long narrow strip of land along the south boundary of New York which was at one time claimed by Connecticut; to the area for many years in dispute between Maryland and West Virginia; and to the land south of the north fork of the Red River, long claimed by Texas as Greer County²⁸, but finally awarded to Oklahoma.

[E. M. Douglas, *Boundaries, Areas, etc., of the United States*, Interior Department Bulletin 817.]

ERWIN N. GRISWOLD

Gorges and His Province of Maine. Disappointed in his efforts to establish, through the Council for New England²⁹, a general government for the territory granted to that group by the charter of 1620, Ferdinando Gorges, a leading member of the Council, acquiesced in the division of 1635, receiving as his portion the territory lying between the Piscataqua River, and its tributary the Newichawannock (the Salmon Falls), and the Kennebec River, and extending 120 miles inland. He, alone of those to whom the divisions were allotted, applied for and received a charter (April 3, 1639) for his lands.

Gorges' charter was not greatly different from other proprietary charters of the time. But Gorges has the distinction of attempting to establish a detailed feudal regime in the New World. His difficulties were increased by the fact that grants of land had already been made by the Council within the limits of his grant. Most of the grantees, as was intended, took out new patents of Gorges, but one grant, the Plough patent, was the basis of a long struggle which ended in its confirmation by Parliament as Lygonia³⁰. This deprived Gorges of jurisdiction from Cape Porpoise to Casco Bay and left him in control of but Kittery, Agamenticus (York) and part of Wells.

The complete form of government authorized was never established. Gorges governed through his appointed councillors who held the first general court of the province, June 25, 1640. For nine years, the councillors under successive deputy governors, Thomas Gorges, 1640-43, Richard Vines, 1643-46, and Henry Jocelyn, 1646-48, administered justice and made the necessary ordi-

nances as nearly in accord with English law as conditions warranted. The proprietor incorporated Agamenticus as a market and borough town in 1641, and as a city by the name of Gorgeana in 1642. This was in the first flush of his plans, and apart from a mayor and a few other officials, the elaborate organization of an English city never materialized. Gorges' own manor, called Point Christian, and one at Ogunquit, granted to Thomas Gorges, were the only manors set up in Maine. After the death of the proprietor in May, 1647, the province was neglected and, in 1649, the inhabitants of the three towns formed a government under Edward Godfrey. The ordinance of Oct. 16, 1649, giving religious liberty, was this combination's most noteworthy work. In 1652, Massachusetts Bay Colony³¹ forcibly extended its jurisdiction over them. Commissioners of the king were in control from June, 1665, to July, 1668, when Massachusetts again stepped in. Finally in March, 1678, the Bay colony, contrary to the king's expressed wish, purchased Maine from the heirs through the agency of John Usher for £1250. Massachusetts then governed Maine as a proprietary with Thomas Danforth as president until it was absorbed in the Dominion of New England³² in 1686. Maine became an integral part of the Province of Massachusetts Bay under the charter of 1691, and Gorges' province became the county of York.

[J. P. Baxter, *Sir Ferdinando Gorges and His Province of Maine*.]

ROBERT E. MOODY

Gorman-Wilson Tariff. When Grover Cleveland became President for the second time in 1893, he set out to effect reforms in the protective tariff³³. He found that the problem was complicated by a need for more Federal revenue in contrast to his first administration when the Treasury annually accumulated surpluses. The changed condition was due both to the effects of the McKinley Tariff³⁴ of 1890 and to panic conditions. With both houses of Congress under the control of Democrats he had reason to believe that the tariff reform, which he had failed to secure in his first term, could be accomplished. He therefore summoned a special session of Congress to meet in August, 1893. Under the leadership of W. L. Wilson, chairman of the Ways and Means Committee, a bill was passed by the House four months later. This bill placed basic raw materials, such as wool, lumber, iron ore and sugar, on the free list and lowered the protective duties on manufactured goods. To make up the loss in revenue, special internal taxes were levied on such luxuries as tobacco and liquors and a 2% income tax³⁵ was levied on incomes over \$4000.

This last item was included on the demand of the Populists⁹⁹.

Thereupon a powerful tariff lobby became active in Washington. Led by Sen. A. P. Gorman, Senate Democrats joined with the Republican minority in altering the House bill. A total of 634 changes were made, as a result of which the most important raw materials were taken off the free list and the protective rates were advanced to an average level of 40%. After a bitter fight, the House accepted the changes. President Cleveland denounced the action as "party perfidy and party dishonor" but allowed the bill to become a law without his signature, in August, 1894.

[Edward Stanwood, *American Tariff Controversies in the Nineteenth Century*; F. W. Taussig, *The Tariff History of the United States*.]

ERIK MCKINLEY ERIKSSON

Gortonites were a religious sect in Rhode Island, disciples of Samuel Gorton, who in 1644 was imprisoned by the General Court of Massachusetts Bay for blasphemy and for enmity to "all civil authority among the people of God." His teaching was one of the many species of Antinomian⁹⁹ mysticism; he attacked learning in the ministry, declared that every man was his own priest, that outward ordinances should be abolished, that the believer became united to Christ and so partook of the perfection of God, and he denied the existence of heaven and hell.

[Kenneth W. Porter, Samuel Gorton, *New England Quarterly*, VII.]

PERRY MILLER

Gospel, The Society for the Propagation of the, in Foreign Parts, sometimes called the Venerable Society, but ordinarily the S. P. G., was founded in 1701 and conducted the foreign mission work of the Anglican Church in the American colonies and other English possessions overseas. Between 1702 and 1785, when it withdrew from the mission field in the United States, it assisted 202 Central Stations at an expenditure of £227,454, sent out 309 ordained missionaries, and distributed thousands of Bibles, prayer books and other religious works. It also sent out school teachers, medical missionaries and libraries. In many colonies, the first schools and the first libraries were founded by this society. In 1775, it was helping to support seventy-seven missionaries in the continental colonies, but as the war progressed most of them were forced to retire from their missions. The S. P. G. is still engaged in its missionary activity in various parts of the British Empire.

[C. F. Pascoe, *Two Hundred Years of the S. P. G., 1701-1900*.]

HUGH T. LEFLER

"Government by Injunction." This denunciatory phrase, which gained currency during the Pullman Strike⁹⁹ (1894), is attributed to Judge Murray F. Tuley of Chicago. It was popularized particularly by Gov. Altgeld of Illinois, who wrote the words into the state Democratic platform of 1896 and again into the national party platform of that year.

[H. Wish, John Peter Altgeld and the Background of the Campaign of 1896, *Mississippi Valley Historical Review*, XXIV.]

HARVEY WISH

Government Corporations. In the United States the term "government corporation" is applied to corporate bodies formed on the initiative of the National Government or the government of a state and in which a governmental body owns some or all of the proprietary interest. Such corporations have been chartered both by special statute and under the general laws of particular states, they have been created by executive orders and by the action of government employees acting in their official capacities or, occasionally, as private individuals, and in various other ways. They have been financed by outright grants of government funds, by annual appropriations, by government purchase of the stock and/or bonds of the corporation, by public subscription to some part of the corporation's securities and by other means. They have been chartered both for charitable or eleemosynary ends and for commercial or financial purposes. The Civil Service Act of 1937, Title V (e) states: "The term 'federally owned and controlled Corporation' means any corporation (whether incorporated by . . . an Act of Congress, or under the laws of any State, . . .) a majority of the stock of which is owned by the Federal Government and in which no member of the board of directors is elected or appointed by private interests."

Many business corporations erected in the early days of the Republic, particularly those of a financial or "public service" nature, in a sense were government corporations, since they were chartered by special statute and to some degree were financed by government funds. The Bank of North America (1781), the First Bank of the United States (1791) and the Second Bank of the United States⁹⁹ (1816) were created and largely financed by the central government. Similar to many institutions formed with the aid of state funds were the Potomac Company (1785), the James River Company⁹⁹ (1785), the Union Bank (1792) in Massachusetts and the Bank of Pennsylvania (1793).

As general incorporating statutes developed in the states, and as private capital grew, the use

of special statutes and government funds in the creation of business enterprises greatly decreased. In the middle and latter parts of the 19th century the Federal Government chartered few corporations, mainly eleemosynary bodies, such as the Columbia Institution for the Deaf (1857), the National Academy of Sciences (1863) and certain of the transcontinental railroads, such as the Union Pacific Railroad Company (1862) and the Texas and Pacific Railway Company⁹⁷ (1871). The latter, although in the main privately financed, sought Federal charters since their lines lay largely in the territories.

During the World War the Federal Government incorporated a considerable number of bodies, such as the United States Shipping Board, the Emergency Fleet Corporation and the War Finance Corporation⁹⁸, to aid in prosecuting hostilities. Subsequent to the war a few government corporations were created, but with the coming of the depression of 1929, corporate "instrumentalities of the Federal Government" were employed on a grand scale, both to combat the slump and to give effect to long-range government policies. Between 1932 and 1938 scores of these bodies were created, of which the chief were the Reconstruction Finance Corporation, the group composing the Home Loan Bank System, the considerable number controlled by the Farm Credit Administration, and the Tennessee Valley Authority⁹⁹. These corporations were vested with an extraordinarily wide range of purposes, endowed with far more liberal powers than any of their predecessors and controlled assets which in the aggregate totalled many billions of dollars. The rapid development of these bodies at this time was commonly believed to have been caused, at least in part, by the realization of the administration that Federal corporations were much less restricted in the conduct of their affairs by the "governmental process," for example, by the civil service¹⁰⁰ requirements, the purchasing laws and the regulations of the Comptroller General's Office, than were ordinary bureaus or departments.

[H. A. VanDorn, *Government Owned Corporations*; J. H. Thurston, *Government Proprietary Corporations in the English-Speaking Countries*; J. A. McIntire, *Government Corporations as Administrative Agencies*, *George Washington Law Review*, 1936, Vol. 4; C. C. Abbott, *The Government Corporation as an Economic Institution*, *Harvard Business Review*, 1937, Vol. 15.]

CHARLES C. ABBOTT

Government Newspapers. There have never been any Federal Government newspapers in the sense of either government ownership or complete governmental control. But there have

been several independent newspapers which were so closely identified with certain presidential administrations as to warrant the term. They were usually referred to as administration "organs." Every President from Washington to Buchanan had one, though the relationship was not as close in some administrations as in others.

The most effective tie that bound a newspaper to an administration was the award of government printing¹⁰¹. Inasmuch as the Government did not establish a printing office of its own until 1861, the printing of Congress and the other government agencies was assigned to job printers and newspaper establishments. It was valuable enough to make a few fortunate publishers wealthy, and printing contracts were eagerly sought by the Capital newspapers. But it was a form of patronage that could be used by the party in power to sustain a newspaper that was established or conducted for no other purpose than to serve the administration. Loyalty of such a paper, of course, was implied.

Between 1789 and 1801 the *Gazette of the United States*, of Philadelphia, came to be regarded as the official voice of the Federalist party¹⁰², although in the first Washington administration it was the personal organ of Alexander Hamilton (see *Newspapers as Political Organs*). With the Republican triumph of Jefferson in 1800 the *National Intelligencer*¹⁰³ became the administration newspaper and continued to serve the "Virginia Dynasty"¹⁰⁴ to its termination in 1825.

During the administration of John Quincy Adams, 1825-29, the *National Journal*, founded by Peter Force in 1823, superseded the *National Intelligencer* in official prestige, though the latter continued to share government favor and remained sympathetic to the administration. In 1829 the *United States Telegraph*, founded in 1826 as a Jackson campaign newspaper, became for two years the mouthpiece of the administration. But when its editor, Duff Green, showed more loyalty to Vice-President Calhoun than to Jackson the *Telegraph* was superseded by the *Globe*¹⁰⁵, established for that purpose. Founded Dec 7, 1830, under the editorship of Francis P. Blair, it became the official organ of President Jackson and so remained under Van Buren to 1841.

In the short period of Whig¹⁰⁶ supremacy, 1841-42, the *National Intelligencer* was restored to official influence, but in the latter year a new paper called *The Madisonian*, edited by Thomas Allen, became the organ of President Tyler. During Polk's administration, 1845-49, the *Washington Union*, another new paper, with Thomas

Ritchie and John P. Heiss as editors, was the official journal. During the brief tenure of President Taylor still another new paper, *The Republican*, with Alexander Bullitt and John O. Sargent editors, represented the administration, but with his death the *National Intelligencer* returned to official favor. In the terms of Presidents Pierce and Buchanan, 1853-61, the *Washington Union* was again the administration newspaper.

[W. G. Bleyer, *Main Currents in the History of American Journalism*; Frederic Hudson, *Journalism in the United States*.]

CULVER H. SMITH

"Government of the people, by the people, for the people" is the definition of democracy which Abraham Lincoln incorporated in the concluding sentence of his address dedicating the national cemetery at Gettysburg, Pa., on Nov. 19, 1863 (see Gettysburg Address). On numerous occasions reaching back to ancient times orators had described self-government in words similar to these, but with the growth of Lincoln's fame, and the consequent popularity of the Gettysburg Address, the exact form in which he cast an ancient thought received ever wider acceptance. Today his phrase is generally considered, at least in the United States, to be the perfect expression of the democratic ideal.

[W. E. Barton, *Lincoln at Gettysburg*.]

PAUL M. ANGLE

Government Ownership of property or enterprises does not necessarily mean government operation although, in most cases, the two are combined in one authority. In various instances in the United States, as with certain iron ore reserves and petroleum resources, ownership is vested either in the Federal or state governments, but the right to operate is leased to private parties. For years some economic activities have been considered the natural function of government. The coinage⁹⁹ of money and the management of the Post Office⁹⁹ are illustrations. But there are numerous cases where both Federal and state governments have been part or complete owners of economic enterprises. In the case of part ownership, governments exercise ownership rights, which means a voice in the management. When the First United States Bank⁹⁹ was organized in 1791 the United States was the owner of one fifth of the capital stock. A similar amount was owned in the Second Bank which was chartered in 1816. On various occasions in the earlier years of our history the Federal Government subscribed for stock in enterprises which were thought to be socially desirable, as with certain canals and turnpikes. In the well-known veto

of the Maysville⁹⁹ turnpike bill, which provided Federal subscription, Andrew Jackson largely turned the tide from such activity on the part of the Federal Government. But, at various times prior to 1860, the states were both owners and operators of commercial undertakings. The Erie Canal⁹⁹, completed in 1825, was owned and operated by the State of New York, and for some years railroads were not permitted to compete for traffic. Pennsylvania inaugurated an extensive system of public works, including canals and portage railroads (see Pennsylvania Canal System). These were owned and operated by the state. Canals⁹⁹ in Ohio and Illinois, among others, were under the same arrangement. In the early era of railroad⁹⁹ building, a considerable number of states were the builders, owners and, for some time, operators of the enterprises. A few states owned banks⁹⁹. Hard times following the Panic of 1837⁹⁹, and the great debts incurred by the states for internal improvements⁹⁹, largely brought state ownership to an end. Mainly since 1880 a new spirit has inspired government ownership. The development of electric generation is one illustration. Municipalities, and later the Federal Government, engaged in such work. The Federal Government now (1939) owns and operates a large fleet of commercial vessels on the deep sea, barge lines on the Mississippi and some of its tributaries, railroads in Alaska and Canal Zone, various water-power projects, of which T.V.A., Boulder Dam and Grand Coulee are examples, and several canals, of which the Panama is the best known⁹⁹. The Post Office is a Federal Government enterprise with some 46,000 post offices in 1934, with over 536,000 miles of post routes, and with a gross revenue of over \$586,000,000 a year, making this one of the largest enterprises in the country. Government ownership has its widest application in the supply of heat, light, power and water; in some instances street railways are operated by municipal authority (see Municipal Ownership). The merits of government versus private ownership and operation are still a matter of controversy. Whether the unit cost is lower under government operation (the "yard-stick"⁹⁹ idea) is difficult to decide because of the great differences in conditions under which the plants are operated.

[E. L. Bogart, *Economic History of the American People*; H. White, *Money and Banking*; E. R. Johnson, *American Railway Transportation*.]

ISAAC LIPPINCOTT

Government Printing Office. See Printing, Government.

Government Publications. The publications of the United States Government cover a broad

field, embracing not only the details of administration, but also the results of research in both the physical and social sciences. Many of them, particularly the debates in Congress, the reports and hearings of congressional committees and the reports of executive officers, furnish the raw material from which the historian constructs his picture of the past.

Taken as a whole the publications of the Government give a fair reflection of its activities and interests. In the early years they were concerned mostly with administration, although from time to time appeared notable scientific reports, particularly in connection with exploring expeditions. The last quarter of the 19th century saw the development of continued scientific investigation in the physical sciences, and toward the end of that period and later there have been published many notable contributions and basic information relating to the social sciences.

For many years government publications were distributed free of charge, but the practice is becoming more general of making the distribution through sale by the Superintendent of Documents, who handles publications of almost all issuing offices. Designated libraries in each state are entitled to receive almost all publications free of charge.

Most government publications are written or compiled under government auspices, but occasional issues originate in other sources. Most noteworthy of these is the annual volume entitled *Writings on American History*, compiled during recent years by Grace G. Griffin, under the auspices of the American Historical Association⁷⁰ and other societies.

All publications are listed in the *Monthly Catalog of United States Public Documents*, with annual index. This is later superseded by the biennial *Catalog of Public Documents*, which has been issued regularly since 1893. Both of these are published by the Superintendent of Documents. The period up to 1893 is covered by two compilations: (1) *Comprehensive Index to the Publications of the United States Government, 1881-1893*, by John G. Ames, two quarto volumes of 1560 pages, and (2) *Descriptive Catalogue of the Government Publications of the United States, September 5, 1774-March 4, 1881*, by Ben Perley Poore, one volume of 1392 pages. There are also numerous lists and indexes dealing with specific subjects or the publications of particular units.

[L. F. Schmeckebier, *Government Publications and Their Use*; A. M. Boyd, *United States Government Publications as Sources of Information for Libraries*; E. E. Clarke, *Guide to the Use of United States Government Publications*.]

L. F. SCHMECKEBIER

Government Regulation of some description has been the practice for centuries. From early times, among Anglo-Saxon people, some restraint has been exercised over those lines of business in which there was a vital public interest. Under the old Mercantile⁷¹ arrangements, which prevailed for centuries, practically every aspect of productive, and sometimes of social, activity was brought under control. The American colonists inherited some of the Mercantilistic idea; regulation of trade and industry was a part of their routine. With the approach of the American Revolution ideas about the relation of government to industrial and social life began to change. This was brought about largely by the doctrine of the Physiocrats, by the theories of Adam Smith in his *Wealth of Nations*, by the more individualistic atmosphere in America, and by political conditions as they developed in the Revolutionary setting. The doctrine of laissez-faire⁷² came to the fore and influenced both private thinking and public policy for more than a half century. But at that, in the United States, there was considerable regulation. This was the case where a service was visibly affected with a public interest, as with toll bridges⁷³, charges for ferry service and traffic over turnpikes⁷⁴. With the coming of corporations⁷⁵, the states, and the Federal Government to the extent that charters were granted by this authority, insisted upon compliance with the terms of the charter. Hence a measure of control. The modern era of government regulation dates from about 1870. It has been closely connected with the changing forms of business, with the growth in size, with the threat of monopoly⁷⁶ power and with the spread of commerce over the whole country. Control of railroads was one of the first evidences of this new era. In 1869 Massachusetts established a railway commission. The powers were largely supervisory. Other states followed this example, except that in the Middle Western states, where the demand for regulation was insistent, the commissions were vested with greater powers (strong commissions) than was practised in the Eastern states. The Federal Government inaugurated railway control in 1887 with the establishment of the Interstate Commerce Commission⁷⁷. Then followed promptly a demand for regulation of other big businesses, following in the train of the trust⁷⁸ movement. Some states had already preceded the United States Government with laws to regulate monopoly. The Sherman Antitrust law⁷⁹ of 1890 was the answer of the Federal Government to this problem. The development of uses for electricity, notably after 1890, opened an-

other field for regulation. Electric light and power^{er} companies were brought under control first of state commissions, and more recently of the Federal Government. Practically every enterprise today that is affected with the public interest is regulated by state, or Federal, administrative bodies—in some instances by both. This includes banking, investments—blue sky laws^{er} in the case of the states and the Security Exchange Commission^{er} with the United States Government—labor relations (see National Labor Relations Board), the growing and marketing of certain agricultural crops (see Agricultural Adjustment Administration), trade practices, as with Federal Trade Commission, telephone and telegraph companies, sleeping cars, pipe lines, and state control of the production of crude petroleum, among various others.

[Bruce Wyman, *Control of the Market*; L. H. Haney, *Business Organization and Combination*.]

ISAAC LIPPINCOTT

Governor. The colonial governors^{er}, and particularly the royal governors, as the representatives of the crown, incurred such great popular disfavor that when the first state constitutions^{er} were written, their powers were drastically curtailed, in the hope of preventing the recurrence of the earlier abuses. The status of the office changed but little during the whole of the 19th century. The position was one of dignity, but of little power. At the beginning of the 20th century, there arose a group of able governors who, without changing the powers of the office, added greatly to its prestige, due to their ability as popular leaders. This change was reflected later, when, in 1917, the movement for state administrative reorganization began in Illinois, under the leadership of Gov. Frank O. Lowden. For the next decade or more, this movement to enlarge the powers of the governor, giving him real administrative control over the departments and agencies of the government, was the most important single movement in the field of state government. The governor ceased to be a figurehead, and the position ceased to be, politically, a blind-alley job. The modern governor has great power and responsibility, and the office is often a stepping-stone to further political advancement.

[Allan Nevins, *The American States during and after the Revolution*; W. Brooke Graves, *American State Government*; Leslie Lipson, *The American Governor: From Figurehead to Leader*.]

W. BROOKE GRAVES

Governors, Conferences of. Governors' conferences, national and regional, have developed

since 1908, in which year President Theodore Roosevelt invited the governors to meet at the White House to consider the conservation of natural resources. The group met twice in 1910, and annual meetings have since been held, with the exception of 1917. In 1919 President Wilson called a conference of governors and mayors to face the problem of re-employing the discharged veterans, and in the same year, seven governors met in Chicago to discuss the nationwide coal strike. In March, 1933, many of the governors met at the White House to discuss the economic crisis (see Banking Crisis of 1933), immediately following the inauguration, and at the invitation of President Franklin D. Roosevelt.

Recently, sectional and regional conferences of governors have been held, usually on the invitation of an interested governor, for the discussion of serious problems confronting them, such as those pertaining to agriculture, flood control, labor, etc. The New England Council^{er} and the Southeastern Council have brought the governors of their respective sections together annually for a number of years.

[Council of State Governments, *Governors' Bulletin* No. 10, *The Governors' Conference, 1908-1935*; *Governors' Conference, Proceedings*, annual; W. Brooke Graves, *Uniform State Action*.]

W. BROOKE GRAVES

Governors Island, first called Nooten or Nutten Island, was bought from the Indians by Wouter Van Twiller, Director-General of New Netherland^{er} in 1633-37, who built a dwelling and sawmill upon it. In 1698 it was declared a part of the military area of New York City and set aside as a rustic retreat for the colonial governors, whence the name. Tryon took refuge there when threatened by the Liberty Boys^{er} early in the Revolution. The island was made a part of New York City in 1730. The first small fortification was placed on it in 1776. In 1800 New York State ceded it to the United States Government. During the next decade two forts, Castle William and Fort Columbus—twice renamed Fort Jay, the second time permanently—were erected on it, and in 1821 it became Federal military headquarters for the New York area. It was a military prison camp during the Civil War.

[*Historic New York during Two Centuries*, Half Moon Papers.]

ALVIN F. HARLOW

Graduation Act, THE, of 1854, authorized a reduction in the price of government land which had been subject to sale for ten years or more. Its purpose was to hasten the sale of "refuse" or left-over tracts which settlers had rejected.

The previous government price of \$1.25 per acre was reduced to \$1.00 for land which had been on sale for ten years and, through various graduations, to 12½ cents per acre for land which had been on sale for thirty years. Thomas Hart Benton, the chief advocate of the Graduation Act, favored this measure because at the time a free homestead act^{re} seemed unobtainable.

[B. H. Hibbard, *History of the Public Land Policies.*]

PAUL WALLACE GATES

Grafton v. U. S. (1907). The Supreme Court held that an American soldier in the Philippines, after trial by court-martial^{re}, could not be brought before the civil courts for the same offense. This would constitute double jeopardy, since both civil and military tribunals in the Philippines derived their authority from the United States Government.

[L. E. Evans, *Cases on American Constitutional Law.*]

RANSOM E. NOBLE, JR.

Grain, Trade in. See Pit, The.

Grain Futures Act, THE (Sept. 21, 1922), re-established control over commodity exchanges nullified by invalidation of the act of Aug. 24, 1921. Omitting tax provisions Congress re-enacted similar regulations which were upheld. The Grain Futures Administration assisted the Secretary of Agriculture in enforcement. All trading in grain futures must be at grain exchanges designated as contract markets submitting daily reports. The Commodity Exchange Act^{re} of June 15, 1936, expanded Federal control involving other agricultural products.

[Two Attempts to Regulate the Grain Trade, *Harvard Law Review*, 1936; C. H. Wooddy, *The Growth of the Federal Government, 1915-1932.*]

GEORGE C. ROBINSON

Gran Quivira. Quivira was the name used by Coronado^{re} for the Indian villages he sought in the plains of Kansas in 1541, probably the native name for the Wichita and the Pawnee Indians^{re}. The name was later used as Gran Quivira, to designate the ruins of a Piro Indian village and its Spanish mission, built in 1629, abandoned in 1670, now a National Monument.

CLARK WISSLER

Grand Army of the Republic, THE, was founded by Benjamin F. Stephenson, a physician of Springfield, Ill., who had served as surgeon of the 14th Illinois Infantry. Impressed with the desirability of a veterans' association which should exist for the mutual benefit of its mem-

bers and for the aid of soldiers' widows and orphans, Stephenson and a small group of friends formed the nucleus of an organization at Springfield in the spring of 1866. On April 6, 1866, the first post was established at Decatur, Ill. By July 12, 1866, when a state convention was held to form the Department of Illinois, thirty-nine posts had been chartered. At the first national encampment, held at Indianapolis on Nov. 20, 1866, ten states and the District of Columbia were represented.

The first commander in chief was Gen. S. A. Hurlbut of Illinois. Hurlbut was succeeded by Gen. John A. Logan, also of Illinois, who served three successive terms. Logan's successor was Gen. A. E. Burnside. Since Burnside's administration the office has generally been held by men of minor military reputation.

The Grand Army of the Republic, or G. A. R., as it has more often been called, quickly attained a pre-eminent place among the veterans' organizations formed at the close of the war, but even so, its membership grew with relative slowness. Between 1881 and 1882, however, it rose from 87,718 to 131,900, and in the next eight years the increase was rapid. The peak was reached in 1890, when 409,489 members were reported. By 1900 membership had dropped to 276,612; in 1920 it stood at 93,171; in 1937, 3325 members were reported.

One of its purposes, as set forth in its constitution, was the "defense of the late soldiery of the United States, morally, socially and politically." At an early date in its history partisan purposes were forbidden, but for many years the organization was a powerful political force. Its unremitting efforts for pension^{re} increases and other benefits for veterans and their dependents led both parties to bid for its support by these means, and its members generally were disposed to vote for the higher bidder. (See also *National Tribune*.) By 1900, however, declining membership and the emergence of new national issues had had their effect, and the G. A. R. had ceased to be a dominant force in politics.

Early in its history the G. A. R. gave rise to or attracted to itself auxiliary societies. Most important of these are the Woman's Relief Corps (organized on a national basis in 1883), the Ladies of the G. A. R. (1886), and the Sons of Veterans (1881).

[Robert M. Beath, *History of the Grand Army of the Republic*; Mary H. Stephenson, *Dr. B. F. Stephenson, Founder of the Grand Army of the Republic*; Donald L. McMurtry, *The Political Significance of the Pension Question, 1885-1897*, *Mississippi Valley Historical Review*, June, 1922.]

PAUL M. ANGLE

Grand Banks, THE, is a submerged tableland between Newfoundland and deep water, sea-covered by an average of approximately 240 feet, reaching south to the latitude of Boston, and east for 500 miles. Arctic current and Gulf Stream meeting produce almost constant fog. Basque fishermen knew this region as "Bacalaos," the land of codfish, probably before the time of Columbus. By 1578 Spanish, Portuguese, French, Breton, and English ships were fishing there for cod, whales, and walrus. Fishing boats still resort to the Grand Banks each year, catching cod in water from 50 to 750 feet deep (see Cod Fisheries).

[C. K. Bolton, *Terra Nova*.]

CHARLES K. BOLTON

Grand Canyon of the Colorado, in width from four to eighteen miles and in places more than a mile deep, winding some 280 miles from Marble Canyon, near the Arizona-Utah line, to Grand Wash Cliffs in northern Mohave County of Arizona, constituted a natural barrier to travel.

Pedro de Tovar, an officer of the Spanish expedition under Coronado, first heard of it during a visit to the Hopi Indians[™] in 1540. To investigate Tovar's reports, García López de Cárdenas, with twelve companions left Coronado's camp at the Zuñi pueblo of Háwikuh, late in August of 1540, and after twenty days journey, discovered the Canyon, the first description of which by white men is to be found in Pedro de Castañeda's narrative of the Coronado expedition[™]. The Canyon was little known to the world until Lt. Joseph C. Ives and Dr. J. S. Newberry visited the lower end of it in April, 1858, and brought back the first geological description of the region. The first journey down the Colorado River through the Canyon was made by Maj. John Wesley Powell and nine men, from Green River in Wyoming to the Grand Wash Cliffs, May 24-Aug. 30, 1869. Powell made second and third voyages through the Canyon in 1871-72. Since that time many parties, for scientific or other reasons, have attempted the hazardous journey, sometimes with tragic results. The Grand Canyon National Park, an area of 1009 square miles, was created by Congress on Feb. 26, 1919, and two years later the completion of a railroad from Williams, Ariz., facilitated tourist travel to the Canyon.

[F. S. Dellenbaugh, *The Romance of the Colorado River*, and *A Canyon Voyage*; J. W. Powell, *The Exploration of the Colorado River of the West and Its Tributaries*, and *First through the Grand Canyon*.]

RUFUS KAY WYLLYS

Grand Coulee Dam, THE. This huge dam now under construction (1939) is located on the Co-

lumbia River, in the State of Washington, about ninety miles west of Spokane. It occupies the site where, according to the geologists, during the Pleistocene Age the ice caused an obstruction which diverted the Columbia River into a new channel. When the ice receded the Columbia resumed its old course, leaving the temporary channel, or the Grand Coulee as it is called, high and dry above the level of the river. The dam will again direct a portion of the Columbia's flow into the fifty-mile-long Grand Coulee, and provide irrigation for a large area of land which is capable of high productivity when supplied with water.

The Federal Bureau of Reclamation became interested in the possibility of irrigation in this region as early as 1903, although it was not until 1918 that a dam was proposed. The idea was greeted with ridicule at first, but within a few years the soundness of the plan was acknowledged by several of the nation's leading engineers. Shortly after coming into office in 1933 President F. D. Roosevelt authorized the use of Public Works Administration[™] funds for the construction of the Grand Coulee Dam as the most extensive feature of a plan for Columbia Valley development.

[Richard L. Neuberger, *The Biggest Thing on Earth*, in *Harper's Monthly Magazine*, February, 1937.]

DAN E. CLARK

Grand Gulf, Battle at (1863). To demolish the Confederate batteries ashore and thus secure a landing for Grant's army below Vicksburg was the main objective of Admiral Porter's daylight bombardment of Grand Gulf, Miss. (April 29, 1863). A 4½-hour trial proved the ironclads too fragile to cope with shore batteries, and Grant had to land his men farther down at the comparatively unfortified town of Bruinsburg.

[*Official Records of the Union and Confederate Navies in the War of the Rebellion*, Series I, Vol. XXIV.]

RICHARD S. WEST, JR.

Grand Ohio Company, THE, was formed in 1769 by Samuel Wharton and Thomas Walpole to purchase 2,400,000 acres of the land ceded the British crown by the Six Nations at the Treaty of Fort Stanwix[™] in 1768. At the suggestion of Lord Hillsborough, the company was reorganized on Dec. 27, 1769, and its scheme was expanded into a proposal to establish an entirely new colony on the Ohio, which was to be known as Pittsylvania; this name was later changed to Vandalia. The proposal was approved by the Board of Trade[™] and King George III, but was delayed by the solicitor-general. Resistance to

the Tea Act⁹⁹ and Franklin's fall from favor delayed it still further, and the outbreak of the Revolution brought its end. The company was later reorganized in America as the Vandalia Company⁹⁹.

[C. W. Alvord, *The Mississippi Valley in British Politics*; T. P. Abernethy, *Western Lands and the American Revolution*.]

MAX SAVELLE

Grand Portage received its name from voyageurs⁹⁹, who found the nine miles between Lake Superior and navigable waters on the Pigeon River the longest portage in their regular canoe route from Montreal to the Rocky Mountains. About 1780 the name came to be applied to the North West Company⁹⁹ post at the lake end of the portage. This was considered the inland center of that company's far-flung trading activities. At the height of its prosperity, about 1795, there were at Grand Portage a stockade, sixteen buildings, a pier, a canoe yard, a garden, domestic animals, and schooner connection with Sault Ste. Marie⁹⁹. Here, in early summer, brigades of Montreal canoes deposited their cargoes of trade goods and took on for the return trip the furs brought by smaller canoes from trading posts as widely separated as Wisconsin and Athabasca forts. As many as a thousand men congregated at Grand Portage at such times, representing all classes of traders. About 1797 a fort was built at Grand Portage by a rival, the X Y Company, which coalesced with the larger group in 1804. In that year the transfer of Grand Portage's activities to Fort William was completed as a result of Jay's Treaty⁹⁹ and the consequent withdrawal of British garrisons and some trading posts from American soil. Some later posts and mission stations were built at Grand Portage, but its heyday ended very early in the century.

[Solon J. Buck, *The Story of the Grand Portage*; Grace Lee Nute, *Grand Portage*, in *Indians at Work*, April 15, 1937.]

GRACE LEE NUTE

Grand Prairie, a geographical division of north Texas extending about two hundred miles south from the Red River and two to three counties in width. Its period of settlement and county organization was 1846-58. Its luxuriant grass made it the first important cattle-grazing region of Texas. Its soil and nearness to timber made it an early prairie farming area.

[J. K. Greer, *Grand Prairie*.]

L. W. NEWTON

Grand River Massacre. See Messiah War, The.

Grandfather Clause, THE, was a device in Southern state constitutions to circumvent the

requirement of Negro suffrage in the Fifteenth Amendment⁹⁹. Exemption from property-owning, tax-paying, or educational requirements in state suffrage laws was granted to those who had had the right to vote on Jan. 1, 1867, and to their lineal descendants. Since Negroes in the South could not vote at that time, they were excluded from the privilege granted to impoverished or illiterate whites. The clause, applicable for a limited time, was adopted in South Carolina, 1895; Louisiana, 1898; North Carolina, 1900; Alabama, 1901; Virginia, 1902; Georgia, 1908; Oklahoma, 1910. In 1915 the Supreme Court declared the "Grandfather Clause" unconstitutional (*see* *Gunn and Beal v. U. S.*).

[G. T. Stephenson, *Race Distinctions in American Law*.]

C. MILDRED THOMPSON

Granger Cases, THE. During the years 1869 to 1874 the legislatures of Illinois, Iowa, Wisconsin and Minnesota passed a number of statutes, known generally as the "Granger Laws," for the regulation of railroads and warehouses within their respective borders. Most of these laws set maximum schedules of charges, and some of them established regulatory commissions with extensive authority. The railroad companies disliked the Granger laws intensely, and sought to discredit them with the public by blaming indifferent and expensive service upon them. The laws were, in fact, badly drawn, and were soon repealed, but better laws based upon the same principles were presently enacted, not only by the four states mentioned, but by most of the rest of the states of the Union as well.

Efforts to enforce the original Granger laws led to a large number of lawsuits, a series of which, the so-called "Granger Cases," were decided by the United States Supreme Court in March, 1877. The issue involved in each case was the same: Had a state the right to regulate, on the ground that the business concerned was public in nature, a corporation that was privately owned and managed? Attorneys for the railroads argued that any such assumption of power on the part of the state amounted to a deprivation of property without due process⁹⁹ of law, and thus violated the Fourteenth Amendment of the Federal Constitution; also, that, within the meaning of Article I, Section 10, of the same document, the charters under which the railroads operated were contracts, the obligation of which was impaired by the Granger regulations. The Court held, however, that regulation, even to the setting of maximum rates, was within the constitutional right of the states. The cases most frequently cited in this connection are *Munn v.*

Illinois⁷⁷ and *Peik v. the Chicago and North Western Railway*. In 1886 the Court modified the doctrine of the Granger decisions to the extent of restricting state regulation to strictly intrastate business (*Wabash, St. Louis and Pacific Railroad v. Illinois*⁷⁸).

[Solon J. Buck, *The Granger Movement*.]

JOHN D. HICKS

Granger Movement, THE, grew out of a farmers' lodge, the Patrons of Husbandry⁷⁹, founded in 1867 by Oliver Hudson Kelley, a clerk in the Post Office Department at Washington. The preceding year, Kelley, then in the employ of the Bureau of Agriculture, had made a tour of the South, and had been struck by the blind enslavement of southern farmers to outworn and traditional methods of agriculture. This situation, he believed, could best be remedied by an organization that would bring farmers together in groups for the study and discussion of their problems. Accordingly, with the help of a few interested friends, he devised a secret ritualistic order, equally open to women and to men, and became its first organizer. Each local unit, or Grange, was admonished to select among its officers a "Lecturer," whose duty should be to provide some educational diversion, such as a lecture or a paper, for every meeting.

Early in 1868 Kelley started west to his home in Minnesota, hoping to organize Granges as he went. He had little success, however, until he reached his destination, and began work among his former neighbors. There his organization won adherents, less for its social and educational advantages than for the opportunity it presented for farmers to unite against the monopolistic practices of railroads and elevators, and to institute for themselves co-operative methods of buying and selling. By the end of 1869 there were thirty-seven active Granges in Minnesota, a year later the order had expanded into nine widely separated states, and when the Panic of 1873⁸⁰ broke there were Granges in every state of the Union but four. Membership claims, always hard to substantiate, reached a maximum during the middle 1870's of about 800,000, with the total number of Granges set at about 20,000. The center of Granger activity remained during the entire period in the grain-growing region of the upper Mississippi Valley.

The grievances that drove the northwestern farmers into organized revolt grew out of their almost complete dependence upon outside markets for the disposal of their produce, and upon corporation-owned elevators⁸¹ and railroads for its handling. The high prices that accompanied

the Civil War in the United States and the Bismarckian wars in Europe enabled the farmers, while the wars were on, to pay the high charges that the corporations exacted, but afterward, when prices began to drop, the grain-growers found themselves in acute distress. In 1869 they paid at the rate of fifty-two and a half cents a bushel to send grain from the Mississippi River to the Atlantic seaboard, and nearly half as much to send it from an Iowa or Minnesota farm to Chicago. Elevators, often themselves owned in turn by the railroads, charged generously for their services, weighed and graded grain without supervision, and used their influence with the railroads to insure that cars were not available to farmers who sought to evade elevator service.

Rumblings of revolt were heard throughout the later 1860's, and in 1869 the legislature of Illinois actually passed an act that required the railroads to charge only "just, reasonable, and uniform rates"; but, because the act provided no adequate means of enforcement, nothing came of it. Next year, however, Illinois adopted a new constitution in which the legislature was definitely authorized to correct railway abuses and extortions by law. Acting on this authority, the legislature of 1871 set maximum freight and passenger rates, and established a board of railroad and warehouse commissioners to enforce them. These laws the railroads flatly refused to obey, a position in which they were sustained by the state supreme court. But in 1873 a more carefully drawn law ran the gauntlet of a revised supreme court, for in the meantime at a judicial election the angered farmers had replaced one of the offending judges with a judge more Granger-minded.

By this time the Grange had become far more political than educational in nature, and, ably assisted by a host of unaffiliated farmers' clubs, was in the thick of the fight for state regulation of railroads and elevators. At Granger lodge meetings and picnics the farmers exhorted one another to nominate and elect to office only those who shared their views; and, in case corporation control over the Republican and Democratic organization could not be overthrown, to form "Independent," or "Reform," or "Anti-Monopoly" parties through which to carry on the fight. So many farmers made Independence Day, 1873, an occasion for airing these views that the celebration was long remembered as the "Farmers' Fourth of July." On this day many rural audiences listened with approval to the reading of a *Farmers' Declaration of Independence*, which recited their grievances and asserted their determination to use the power of the state

to free themselves from the "tyranny of monopoly." Victories at the polls, as a result of this agitation, led, not only in Illinois but in several other northwestern states also, to the passage of a series of so-called "Granger Laws" for the regulation of railroads and warehouses. These measures were not always well drawn, and for the most part they were soon repealed or drastically modified. Nevertheless, the United States Supreme Court in *Munn v. Illinois*⁹, *Peik v. the Chicago and North Western Railway*, and a number of other cases, all decided in 1877, sustained the Granger contention that businesses of a public nature could, in accordance with the Federal Constitution, be subjected to state regulation—a precedent of far-reaching consequence (see Granger Cases).

Hardly less important than the political activities of the various Granges were their business ventures. Under Granger auspices numerous co-operative elevators, creameries and general stores were founded, although most of these establishments failed to survive the ruthless competition of private business. The Granges tried many other experiments also, such as buying through purchasing agents or through dealers who quoted special prices to Grangers, patronizing mail-order houses and manufacturing farm machinery. The last-mentioned undertaking, ill-conceived and overdone, resulted in serious financial reverses, and had much to do with the sudden decline in Granger popularity that, beginning about 1876, brought the movement to an untimely end.

In spite of its short span of life the Granger Movement had taught the farmers many things. They had learned that their political power, when they chose to use it, was very great; that business co-operatives¹⁰, although hazardous, might, if properly managed, limit the toll paid to middlemen; and that such social and educational activities as the Grange had fostered could greatly brighten rural life. The Patrons of Husbandry as a lodge survived the Granger Movement, won new eastern adherents to replace the western deserters, and in the 20th century even recovered some of its influence in politics.

[Solon J. Buck, *The Granger Movement, and The Agrarian Crusade*.]

JOHN D. HICKS

Grant's Hill, Battle of (Sept. 14, 1758). While Ligonier, the advance post of the Forbes Expedition¹¹, was harried by small parties of Indians, Col. Bouquet was persuaded by Maj. James Grant to order a counter demonstration against the Indian encampments near Fort Duquesne¹².

Grant marched with 842 officers and men, Highlanders and provincials, taking position on the hill in Pittsburgh which now bears his name. With a scouting party unmolested, and the quietness of the enemy's quarters seemingly attesting a small garrison, Grant determined to attack. Advancing at daybreak with drums and bagpipes fatuously proclaiming its intent, the detachment was suddenly overwhelmed as French and Indians attacked from front and flanks. The British defeat was bloody and inglorious; the loss was 270 killed, 42 wounded, about 100 taken prisoners.

[Alfred P. James, comp., *Writings of General John Forbes*.]
E. DOUGLAS BRANCH

Grants-in-aid. Federal grants-in-aid are grants of money (in early years, of land) to assist states in the support of schools, canal and highway construction, forest protection, assistance to the needy aged, promotion of agricultural and vocational education and industrial rehabilitation, for maternity and child welfare, and public-health protection. The earliest grants were practically unconditional. But about 1890 the National Government began to lay down conditions, such as acceptance of Federal supervision over the use or expenditure of the Federal grants, which a state had to accept before it could share in the Federal funds. Since about 1911 states have been required, in addition, to meet Federal appropriations with an amount equal (usually) to a state's share of the national grant. Furthermore, the states must provide an administrative agency, approved by the National Government, with which the latter can deal in such matters; and they must be guided by the national regulations and standards in the use of the joint funds. As a result, the National Government has acquired administrative control over matters not mentioned in the Constitution as coming within Federal jurisdiction, merely through its undoubted right to appropriate money. This "tendency toward centralization" is viewed with alarm by some, who fear the ultimate reduction of the states to mere administrative areas or agencies of the National Government (see Federal Aid).

The basis upon which grants are made may be the total, or the urban or rural, population of the state, the state's area, the mileage of rural mail routes, or a combination of two or more of these factors.

In much the same manner, state governments, especially in the past decade or two, have made grants-in-aid to counties or other local government units, especially for educational purposes and highway construction.

A number of private educational organizations and foundations^o, e.g. the Social Science Research Council and the Rockefeller Foundation, make grants-in-aid to advanced students in the prosecution of research projects.

[A. F. Macdonald, *Federal Aid, and American State Government and Administration*; Ogg and Ray, *Introduction to American Government*, 6th ed.]

P. ORMAN RAY

Granville Grant, THE. When, in 1728, the Carolina proprietors^o sold their rights to the crown, making possible the transition from proprietary to royal rule, one of the eight proprietors, Lord John Carteret, later Earl Granville, refused to sell. Although yielding governmental rights, he received a grant from the king of one eighth of the original proprietorship, located between the Virginia line and the 35° 34' parallel and extending westward to the "South Seas," or actually to the Mississippi River. This estate included approximately one half the territory of the royal colony of North Carolina and the largest part of its population and wealth, and, like the Fairfax estate^o in Virginia, retarded the growth of the province. The abusive and corrupt policy of Lord Granville's land agents contributed materially to the discontent which led to the Battle of Alamance^o in 1771, and to the migration of many settlers to the West. The estate was confiscated by the patriot government of North Carolina during the Revolution, and the efforts of the Granvilles to recover this property after the war resulted eventually in an adverse decision of the United States Supreme Court in 1817.

[E. M. Coulter, *The Granville District, The James Sprunt Historical Publications*, XIII, No. 1.]

STANLEY J. FOLMSBEE

Grass Roots Conference was a meeting at Springfield, Ill., in June, 1935, of about five thousand (chiefly rank and file) representatives of the Republican party^o in the Middle Western states, for the purpose of considering ways and means of revitalizing the party and rebuilding its shattered organization, in preparation for the presidential campaign of 1936^o. The Conference adopted an extended declaration of principles declaring for the preservation of the Constitution, and for the maintenance of the separation of powers^o, the independence of the Federal Government and the states, and the "political and economic system as established by our forefathers."

[*New York Times*, June 12 and 13, 1935; R. M. Lovett, *Grass Roots Conference, New Republic*, LXXXIII, 183-185, June 26, 1935.]

P. ORMAN RAY

Grasshoppers have periodically ravaged American agriculture. Before the coming of the white man the effects of this insect are evidenced on Indian pottery. Between 1743 and 1756, and between 1797-98, there were outbreaks in Maine and in Vermont. During the 1800's the most persistent pest was the Rocky Mountain locust. Breeding in Montana and Utah, these grasshoppers migrated into the states west of the Mississippi River. Before 1820 they came to Missouri "by millions," and in 1833 Iowa Indians reported that "there was no grass for their ponies." Appearing regularly, there were general invasions in 1866 and 1867; while pronounced migrations between 1874 and 1876 resulted in a special study of the problem by the United States Government. However, since 1880 the Rocky Mountain locust has not reappeared because of the cultivation of its breeding ground. Various authorities estimate the damage caused by this insect at approximately \$200,000,000.

Recent widespread grasshopper outbreaks in 1919, 1923, 1931 (one of the most devastating in the history of the country) and 1936 have been caused by the lesser migratory locust (*Melanoplus atlantis*). Resembling the Rocky Mountain locust and of economic significance, this insect has greater geographical range than any other species of its genus.

[*Annual Reports*, United States Entomological Commission, 1878 f.; United States Department of Agriculture, *Technical Bulletin* 190.]

BENJAMIN F. SHAMBAUGH

Grattan Incident, THE (Aug. 19, 1854). Lt. John L. Grattan, with twenty-nine men and an interpreter, marched from Fort Laramie to the Sioux villages eight miles east, to apprehend a Miniconjou who had attacked a Mormon^o emigrant near the post. Peaceful measures having failed, the lieutenant determined to use force, but in the ensuing engagement the Indians annihilated his detachment. This "Grattan Massacre" led to Harney's expedition^o against the Sioux in 1855.

[E. Bandel, *Frontier Life in the Army, 1854-1861*.]

RALPH P. BIEBER

Great Atlantic & Pacific Tea Co., THE, was started in 1858 or 1859 by George Francis Gilman (1826-1901), who adopted (1863) the name The Great American Tea Co. In 1865 he had four stores in New York. His company gained its first rapid growth through selling by mail under the club plan. Tea was bought from importers and sold direct to consumers, thus eliminating wholesale dealers. This made it possible for him to

undersell retail grocers, who denounced his company as a monopoly. When the imagination of the country was fired by the completion in 1869 of the Union Pacific Railroad⁷⁰, Gilman adopted the name Great Atlantic & Pacific Tea Co. His stores now began to spread to the larger cities. In 1878 Gilman took George H. Hartford into partnership, and turned over to him the management of the business.

In 1881 the number of stores had grown to 100; in 1901 there were 200; and in 1911, 400. Premiums had been used to stimulate sales as early as 1871, and in 1900 premiums, gifts and trading stamps cost the company \$450,000. During the early 1890's a line of groceries was gradually added. The wagon method of door-to-door selling was adopted, and in 1911 the company had some 5000 wagons. With increasing consciousness among consumers of the "high cost of living" came the cash-and-carry store to reduce food costs and in 1913 the company entered this field with its small "economy" stores in residential neighborhoods. The number increased from 585 stores on Jan. 1, 1914, to 3100 in April, 1917, and to 14,000 in 1926. Sales increased from \$31,000,000 in 1914 to \$440,000,000 in 1925. The general use of automobiles made neighborhood stores less necessary by 1925, and caused the establishment of larger and more attractive stores, many of the smaller ones being closed. By 1930 the A. & P. had 15,737 stores and its sales had increased to over a billion dollars. This made it one of the largest businesses in the country and the largest food company in the world. During the present decade, to reduce expenses and prices and to ease the burden of graduated taxes on chain stores imposed in several states, the company has established many large cash-carry-self-serve stores, known as super-markets. (See also Chain Stores.)

[Roy J. Bullock, History of the Great Atlantic & Pacific Tea Co., in *Harvard Business Review*, April and October, 1933.]

P. D. CONVERSE

Great Awakening, THE. In the early decades of the 18th century religion was at a low ebb in both the New and the Old World. Liberalism in America and liberalism and skepticism in Europe were undermining theological orthodoxy on both sides of the Atlantic. Besides, religion had been conventionalized and wealth had brought materialism into the Church. The religious leaders throughout the British American colonies were conscious of this spiritual decline and felt the need of a revival that would renew a deeper interest in the cause of Christianity.

At this juncture there came the Great Awak-

ening, a series of revivals that swept over the colonies. While there were local stirrings in New Jersey in the 1720's, the great revival began in New England (1734) under the leadership of Jonathan Edwards, a Congregational minister of deep piety, brilliant intellect, and great oratorical powers. After a brief lull the revival started up again under the preaching of George Whitefield, an eloquent minister from England. Whitefield traveled through the colonies preaching to immense audiences and arousing the greatest emotional excitement.

Whitefield and Edwards believed that conversion is the initial step in the religious life. Conversion involved first a realization of one's sinfulness (often accompanied by a torturing fear of eternal punishment) and then a consciousness of pardon that filled the soul with love and ecstatic joy. Thousands were brought under the spell of the earnest oratory of the evangelists and great numbers of them professed conversion. Many were doubtless victims of group excitement, but a large number exchanged a religion of cold, complacent formalism for one of joyous hope and active zeal.

The Great Awakening accentuated the differences between the conservatives and the liberals, and thus led to a schism in the two great Calvinistic denominations, the Congregationalists and the Presbyterians⁷¹. Among the Presbyterians this disagreement widened into a temporary division of the denomination. On the other hand, the Baptist and Anglican churches⁷² were strengthened, for many of the converts became Baptists, as this denomination favored the revival; while quite a number of the opponents of the movement entered the Anglican Church, which disapproved of the methods of the revivalists.

The revival also gave a new impetus to higher education, which resulted in the establishment of four colleges (Princeton, Brown, Dartmouth and Rutgers⁷³). It was favorable to the growth of religious toleration, as Whitefield advocated a broad tolerance in religion. A sense of responsibility for the unfortunate was aroused, and this found expression in humanitarianism⁷⁴. The movement tended to break down sectionalism⁷⁵, as the converts were bound together by a fraternal feeling that overleaped denominational lines and provincial boundaries. It was also in line with the trend toward democracy⁷⁶, since it broke the hold of the upper class on the Church and gave the common man a greater influence in religious affairs.

[H. L. Osgood, *The American Colonies in the Eighteenth Century*; O. P. Chitwood, *A History of Colonial America.*]

O. P. CHITWOOD

Great Basin, Early Emigrant Trails and Cutoffs across the, branched off the Oregon Trail at South Pass, Wyo⁹⁹. Here Sublette's Cutoff, the right-hand road, turned northwest to Soda Springs, Idaho; continued to Fort Hall⁹⁹. At Soda Springs, Hudspeth's Cutoff turned southwest; met the Raft River-Goose Creek trail from Fort Hall to Humboldt River, Nev.

The left-hand road at South Pass turned southwest to Fort Bridger⁹⁹; extended to Salt Lake. Hasting's Cutoff⁹⁹ continued west from Salt Lake to Humboldt River trail.

The Salt Lake-Los Angeles road turned southwest at Salt Lake, continued to the Virgin River; extended southwest over the Old Spanish Trail. At the Virgin River, William's short route, or right-hand road, turned west across Nevada to Death Valley⁹⁹.

Applegate's Cutoff to Oregon was the first right-hand road on the Humboldt Trail, Lassen's Meadow (Rye Patch, Nev.); extended northwest to Goose Lake (northeastern California) where Lassen's Road turned south. Noble's Road turned left on the Applegate Cutoff, continued across the Black Rock Desert.

At Lassen's Meadow, the Humboldt Trail continued to its sink (Loveloek). The right-hand road extended southwest to the Truckee River (Wadsworth), continued up this river to Truckee Meadows (Sparks). At the Humboldt Sink the left-hand road turned south across the Forty-mile Desert⁹⁹ to the Carson River (Ragtown), where the right-hand road followed up the Carson River. At Ragtown the left-hand road turned south to the west Walker River; followed it to the source.

At the Truckee Meadows the right-hand trail extended north and west through Beckwourth's Pass, Calif. The left-hand trail followed the Truckee River to the Little Truckee where a right-hand road turned west. The left-hand road, Truckee River route, turned south and west. The Great Basin was threaded with ramifications of these trails and cutoffs.

[Owen C. Coy, *The Great Trek*.]

EFFIE MONA MACK

Great Basin, Frémont's Explorations in the (1844-46). The first expedition, 1843-44, extended around the rim of the interior western depression which Frémont named the Great Basin. It was in search of the mythical Buenaventura River⁹⁹.

The second expedition, 1845-46, was organized for the purpose of exploring the Great Basin more fully. Frémont and his party set out south and west of the Great Salt Lake⁹⁹, crossed the

Great Salt Desert into eastern Nevada. Here he divided his party. Edward Kern, with Joe Walker as guide, went down the Humboldt River; Frémont led his division southwest through central Nevada. The two divisions met on the eastern shore of Walker Lake where Frémont again divided the party. The Kern-Walker party went southwest while Frémont and his division went northwest to California.

On both expeditions, scientific data were collected, sketches of the scenery were made, and notes on unusual physical features were taken. Frémont named, generally for members of his party, many rivers, lakes, springs, mountains, passes and deserts in the Great Basin. These data, incorporated in Frémont's report to Congress and the maps he made, were used by emigrant parties to the West.

[Effie Mona Mack, *Nevada*.]

EFFIE MONA MACK

Great Bridge, Battle at the (Dec. 9, 1775). Lord Dunmore, adding Negroes and renegade whites to his regular troops, fortified the passage of Elizabeth River at Great Bridge, near Norfolk⁹⁹. Here he attacked Woodford's and Travis' Virginia militia. Dunmore's forces were badly defeated.

[B. J. Lossing, *Pictorial Field Book of the Revolution*.]

ROBERT S. THOMAS

Great Eastern, the world's largest ship up to her time, was built on the Thames, 1854-58. In 1864 the Atlantic Telegraph Company engaged her as a cable-layer and with her laid the first Atlantic cable⁹⁹, 1866. Subsequently, she was employed in laying many important cables. She was broken up in 1888.

[Charles Bright, *Story of the Atlantic Cable*.]

LOUIS H. BOLANDER

"Great Jehovah." "In the Name of the Great Jehovah and the Continental Congress" were the words Ethan Allen said he used in calling upon Capt. Delaplace to surrender Fort Ticonderoga⁹⁹, May 10, 1775. Though tradition has added or substituted some such phrase as "Come out of there, you damned old rat!" and though Allen was addressing Lt. Feltham instead of Capt. Delaplace, his account of what he said has never been disproved.

[Allen French, *The Taking of Ticonderoga*; John Pell, *Ethan Allen*.]

EDWARD P. ALEXANDER

Great Lakes, Agreement for Disarmament on the, was an exchange of notes between British Minister Charles Bagot (April 28, 1817) and

Acting Secretary of State Richard Rush (April 29, 1817), in which the United States and Great Britain agreed to limit their respective naval forces on the Lakes to one vessel each of not more than 100 tons with one eighteen-pound cannon on Lake Ontario, two similarly limited ships each on the Upper Lakes⁹⁷ (which were meant to include Lake Erie) and one such each on Lake Champlain. Bagot, James Monroe when Secretary of State, then Minister to Great Britain John Quincy Adams and Foreign Minister Viscount Castlereagh had contributed to definition of the principles. The British government feared that this unusual diplomatic agreement might not bind later administrations, and consequently it was submitted to the Senate, which unanimously gave its approval and consent on April 16, 1818. The agreement was of importance in view of the naval engagements on the Lakes in the War of 1812⁹⁸, and had been sought by this country throughout the disputes over boundary forts since the treaty of 1783 (*see* Border Forts, The Evacuation of). It has since served as a model of effective disarmament.

[Hunter Miller, ed., *Treaties and Other International Acts of the United States of America*.]

PHILIP COOLIDGE BROOKS

Great Lakes, Naval Power on the. Until the downfall of New France⁹⁹ in 1760 there was no naval establishment on the Great Lakes. The British, however, immediately realized the need of armed vessels in maintaining their authority over the conquered country, and in 1761 a shipyard was established at Navy Island above Niagara Falls, where several vessels were constructed. In 1771 a second shipyard was established at Detroit, which became henceforth the principal naval center on the Upper Lakes.

The British retained sole control of the western country until 1796 (*see* Border Forts, The Evacuation of), and throughout the entire period the navy was indispensable to the maintenance of the royal authority, its role in the Pontiac War (1763-64) and the Revolution¹⁰⁰ (1775-83) being especially significant. Following the advent of American authority on the Lakes (1796) both governments supported armed vessels as a necessary agency in the maintenance of their authority.

The War of 1812¹⁰¹ brought the two governments into armed conflict and demonstrated to both the vital necessity of naval supremacy on the Great Lakes. Lacking it, the Americans could not hold Detroit and Michigan; as soon as it was regained (Battle of Lake Erie¹⁰², Sept. 10, 1813), the British abandoned Detroit and fled eastward,

hotly pursued by the combined land and naval forces of Gen. Harrison and Commodore Perry (*see* Thames, Battle of the). On Lake Ontario, meanwhile, the struggle for naval supremacy was largely indecisive.

With the return of peace, both nations faced the necessity of building new fleets on the Lakes to safeguard their respective interests. This prospect was happily averted, however, through an agreement initiated by President Monroe in 1815, and effected two years later (*see* Great Lakes, Agreement for Disarmament on the). Although both parties have at times violated its precise terms, this agreement is still in force. For over a century naval disarmament has replaced naval rivalry on the Great Lakes.

[M. M. Quaife, The "Old Brigg" Adams, and The Royal Navy of the Upper Lakes, in *Burton Historical Collection Leaflet*, Vol. II; J. M. Callahan, Reduction of Naval Forces on the Great Lakes, in American Historical Association, *Annual Report* for 1895; House Doc. 471, 56 Cong., 1 Sess.]

M. M. QUAIFE

Great Lakes, THE, have played a role of utmost historical significance in the development of America. Both geography and international law unite in regarding them as true inland seas, and since the Old World nowhere contains their counterpart the European mind was slow to comprehend their geographical and political significance.

Apart from climatic considerations, the Great Lakes have influenced American history chiefly as highways of trade and travel. When the French first effected a lodgment on the lower St. Lawrence, they were obsessed with the idea of finding a water route to the Indies—the goal of European dreamers since Marco Polo's day—and when the natives tried to tell Cartier and his successors about the great seas to the westward, they easily interpreted these reports to mean that the western ocean, or even the Indies themselves, lay close at hand.

The hostile Iroquois¹⁰³ long barred the French from direct access to the Lower Lakes, but the Ottawa River route to Georgian Bay and the Upper Lakes was traversed by Champlain¹⁰⁴ as early as 1615. By it the Jesuits¹⁰⁵ penetrated to Huronia, and from this vantage point further explorations were undertaken. Lake Michigan was visited by Nicolet in 1634 and Sault Ste. Marie¹⁰⁶ by Jogues and Raymbault in 1641. Thirty years later (1672) the Jesuits published a map of Lake Superior which was not materially improved upon until the 19th century. About the same time the exploration of the Mississippi¹⁰⁷ was begun (Jolliet¹⁰⁸ and Marquette in 1673, La Salle¹⁰⁹ and associates, 1679-84), and the fruits

of all these journeys were advertised in Europe by Father Hennepin^m, who in 1683 first delineated with approximate accuracy all five of the Great Lakes.

Already English traders from Albany^m were pushing toward the Upper Lakes, and in 1689 the first of the seventy-five-year series of wars between France and England in America began. In this struggle the Iroquois played an important part, and through their favor the English gained access to Lake Ontario. To bar them from the farther west, Cadillac founded Detroit^m in 1701, thenceforward to become the center of control of all the upper country.

By the surrender of Canada in 1760 (see French and Indian War) the British became masters of the Great Lakes, but by the Definitive Treaty of Peace of 1783^m they agreed to share this control with the United States. In actual fact, however, another generation of time and another war were required before American authority over the Upper Lakes was established (see Border Forts, The Evacuation of).

The War of 1812^m was to a large extent waged on and adjoining the Great Lakes; and during its progress the American Government established naval dominance of both the Lower and Upper Lakes^m, and following the Treaty of Ghent^m (1814) a new race for naval supremacy was threatened. Fortunately the Rush-Bagot Treaty (concluded April 28, 1817) was agreed upon, establishing naval limitation on the Lakes (see Great Lakes, Agreement for Disarmament on the). The unguarded border now extends from ocean to ocean, and more than a century of peace has already succeeded the preceding century of international rivalry and warfare in the Great Lakes area.

[Louis Karpinski, *Bibliography of the Printed Maps of Michigan*; Louise P. Kellogg, *The French Régime in Wisconsin and the Northwest*.]

M. M. QUAIFFÉ

Great Lakes Exposition—Cleveland Centennial, THE, celebrated the centennial of Cleveland's incorporation as a city and dramatized the romance of iron, steel and the manufacturing of the entire Great Lakes region. The 150 acres of the Exposition extended for a mile along the shore of Lake Erie. Built in eighty working days the Exposition was purely local in character and participation. During 1936 (June 27–Oct. 12) visitors numbered 2,922,000 and the deficit mounted to \$1,100,000; during 1937 (May 29–Sept. 6) only the musical and water spectacle, the "Aquacade," staged by Billy Rose, prevented a complete failure.

FRANK MONAGHAN

Great Lakes Naval Campaign of 1812. Previous to 1812 the United States had neglected to establish adequate naval protection on the Lakes. On the Upper Lakes^m, including Lake Erie, the *Adams* was used for transporting supplies and troops; and on Lake Ontario, the *Oneida*. At the start of hostilities eight American schooners attempting to escape from Sackett's Harbor^m were pursued by British armed vessels, two were captured and the others driven to Ogdensburg. In May, 1812, the British schooner *Lord Nelson* was captured by the *Oneida* and taken to Sackett's Harbor, but the British squadron under Commodore Earle controlled the lake. On July 29 the British bombarded Sackett's Harbor, but were forced to withdraw. The Americans realized the necessity of purchasing merchant ships for conversion into armed vessels, and as an armistice on the frontier allowed them to secure the schooners from Ogdensburg, they were brought to Sackett's Harbor.

The success of the British at Detroit^m had given them undisputed control of the Upper Lakes when Commodore Isaac Chauncey arrived at Sackett's Harbor Oct. 6, to assume command of American naval operations. He ordered Lt. Jesse D. Elliott to select a base and purchase vessels for a fleet on the Upper Lakes. Black Rock^m was selected as the Navy Yard, and on the 8th Elliott was informed that two British ships had cast anchor off Fort Erie^m. Early the following morning, with a picked force, he boarded and captured the ships. The *Caledonia* was brought safely to the American shore but the *Detroit* grounded and was burned. On Nov. 8 Commodore Chauncey's squadron of ten vessels left Sackett's Harbor to intercept the British fleet returning from Fort George^m. The flagship *Royal George* was pursued into Kingston harbor where, with the aid of the shore batteries, it drove off the American fleet. On the 11th the British schooner *Simcoe* was destroyed, and before the campaign closed three merchant ships were captured by the Americans.

[Benjamin J. Lossing, *Field Book of the War of 1812*.]

ROBERT W. BINGHAM

Great Lakes-St. Lawrence Waterway Project. The first important step in the movement for a deep waterway from the Great Lakes to the Atlantic by way of the St. Lawrence River was taken in January, 1920, when the governments of the United States and Canada joined in a request to the International Joint Commission^m to investigate and report upon the practicability of improving the St. Lawrence River between Montreal and Lake Ontario for deep-draft naviga-

tion and the development of water power. In interpreting this request the Commission found it necessary to take into consideration the whole system of waterways from the head of the Great Lakes to the sea. It filed a favorable report with recommendations in December, 1921, and suggested that, in view of the magnitude of the project, its conclusions should be reviewed by a larger board of engineers. This recommendation was accepted by the governments in 1924, and in July, 1927, the Joint Engineering Board submitted its report, and filed a supplementary report in 1932. Two national committees were at the same time set up, to review the economic evidence. The American Committee reported in 1926 and the Canadian in 1928. These three reviewing bodies all recommended the project. Thereafter the two governments proceeded to draft a treaty designed to carry out the recommendations of these national and international bodies. The treaty was signed at Washington in July, 1932, and among its provisions was one authorizing diversions from other watersheds into the Great Lakes, and their use for water power. At the same time an agreement was entered into between the Dominion of Canada and the Province of Ontario, and a similar arrangement between the United States and the State of New York. The treaty, on being referred to the United States Senate, failed to secure the necessary two-thirds vote; and the matter remained in abeyance for several years. In 1938 the United States Government submitted to the Canadian Government another draft treaty providing for a waterway of at least twenty-seven feet depth from the head of the Great Lakes to the sea by way of the St. Lawrence, and adding certain new provisions relating to the preservation of the scenic beauty of Niagara Falls, the development of additional water power there, and a limited diversion of water from Lake Michigan at Chicago.

[Harold G. Moulton, Charles S. Morgan and Adah L. Lee, *The St. Lawrence Navigation and Power Project*; G. W. Stephens, *The St. Lawrence Waterway Project*; C. P. Wright, *The St. Lawrence Deep Waterway*.]

LAWRENCE J. BURPEE

Great Lakes Steamships date from 1816 when the first one was built on Lake Ontario. In 1833 eleven steamships carried more than 60,000 passengers on the Lakes, the total freight and passenger receipts being almost \$230,000. In 1841 there were forty-eight vessels; now (1939) there are about 475 steamships used for bulk freight alone.

The size of Lake steamers has greatly increased.

In 1859 some were 435-ton ships. In 1897 the tonnage of large Lake steamers was 6000 each; now (1939) it is 14,000. In 1854 the largest ships were 348 feet long and 45 feet wide. A typical, present-day freighter is about 600 feet long and 60 feet wide. Passenger ships are 550 feet by 58 wide.

The unloading and loading of steamers have been greatly accelerated since the *R. J. Hackett*, constructed in 1869, unloaded 1000 tons in from three to seven days. In 1909, 20,000 tons were removed from two ships in ten hours. In 1931, one ship took on more than 11,000 tons of cargo and 250 tons of fuel in three and one-half hours; in a special test in 1921, the *D. G. Kerr* loaded 12,500 tons of ore in sixteen and one-half minutes.

Improved facilities increased the amount of commerce on Lake Superior from less than 15,000 tons in 1855 to 15,000,000 tons in 1895, and more than 92,000,000 tons in 1929, when the total was 25,000,000 tons more than the combined tonnage of the Panama and Suez canals. In 1929 the total Lake traffic amounted to more than 160,000,000 tons, not including that strictly Canadian, or 50,000,000 tons more than the total of all other United States ports.

In 1835 Ohio exported by water over Lake routes 500,000 bushels of wheat; in 1851, the amount was 12,000,000 bushels. Today, Lake steamers carry the grain from 17,000,000 acres, the cost for an 800-mile trip being less than one mill per ton-mile. The rate on westward-bound coal is one-half mill per ton-mile. The annual saving in transportation costs amounts to about \$200,000,000. Thus, Superior mines and eastern manufacturing centers have been profitably united.

[Newton D. Baker, Transportation on the Great Lakes, in *Annals of the American Academy of Political and Social Science*, Vol. CLXXI; Fred Erving Dayton, *Steamboat Days*.]

CHARLES B. SWANEY

"Great Law" of Pennsylvania, THE, was enacted Dec. 7, 1682, by an assembly of all freeholders called at Upland (Chester) by William Penn shortly after his arrival in Pennsylvania. It was an amplification of a body of laws submitted by Penn and known as the "Laws Agreed upon in England" (see Penn's "Frame of Government"). The "Great Law" established liberty of conscience, extended the suffrage, reduced the death penalties to a minimum, made an attempt to legislate a perfectly moral state, and remained the basis of law for colonial Pennsylvania.

[Howard M. Jenkins, *Pennsylvania, Colonial and Federal*, Vol. I.]

ROBERT FORTENBAUGH

Great Massacre, THE. This term sprang into being subsequent to the Indian assault of April, 1622, which almost annihilated the English settlement in Virginia. The massacre was planned by Opechancanough, Powhatan's brother and successor. The hour of attack upon the widely scattered colonists was set at eight in the morning. Men, women and children were slain, not infrequently by their native guests of the night before. Happily, Jamestown^o was saved by the timely warning of Chanco, a young Indian convert. Chanco's white godfather or guardian, Richard Pace, carried warning through the night to the colonial capital.

[Lyon G. Tyler, *England in America.*]

MATTHEW PAGE ANDREWS

Great Meadows, ten miles east of the present Uniontown, Pa., on the Cumberland Road, was the site of an early battle in the French and Indian War^o. After Maj. Washington's return from Fort LeBoeuf^o, Gov. Dinwiddie of Virginia directed him to recruit a company of 100 men. A commission as captain was sent to William Trent, who had been engaging men for the Ohio Company^o, with directions to enlist workmen and traders in a militia company and to erect a fort at the Forks of the Ohio^o. In February, 1754, the Virginia Assembly provided funds for a regiment commanded by Col. Joshua Fry, with Washington second in command; and later three independent companies of regulars that were in the colonies were ordered to Virginia.

On April 2 Washington left Alexandria with part of the Virginia regiment. Before reaching Wills Creek^o he learned that the French under Contrecoeur had taken and destroyed the half-erected English fort at the Forks of the Ohio and were building Fort Duquesne^o. A council of war at Wills Creek determined on an advance across the mountains to open the road for the forces to follow under Col. Fry, and the expedition left Wills Creek by the trail later called Braddock's Road^o. On May 24 the force of some 150 men encamped at the open place known as the Great Meadows. Here on May 27 Washington learned that a small French force was hidden a few miles to the north. Leaving a guard at the Great Meadows camp, he made a night march and in a surprise attack soon after sunrise killed ten of the French, including the commander, Jumonville, and took twenty-one prisoners. This was Washington's first battle and the first engagement of the French and Indian War. Washington sent the prisoners to Williamsburg and, returning to Great Meadows, erected there a small fortification, which he called Fort Necessity.

In June the rest of the Virginia regiment and Capt. Mackay's independent company from South Carolina augmented the force to about 360. Col. Fry had died at Wills Creek, and Washington was now in command of the Virginians. Leaving Mackay's company to guard the supplies at Great Meadows, Washington pushed forward thirteen miles to Gist's plantation, cutting the road as he went. After further consideration, however, he decided to fall back to Great Meadows. Here Fort Necessity was enlarged and strengthened, and on July 3 it was attacked by about 500 French and 400 Indians. The distance from fort to forest made the encounter one of long-range firing in which both sides nearly exhausted their ammunition without sustaining great damage. At length, however, his provisions almost gone, Washington consented to capitulate. The English, allowed to leave the fort with arms and colors after giving hostages for the return of the French prisoners, marched on foot to Virginia, carrying their wounded.

[C. H. Ambler, *Washington and the West*; Francis Parkman, *Montcalm and Wolfe.*]

SOLOMON J. BUCK

Great Migration, THE. During the "Personal Government" of Charles I (1629-40) discontent in England and prospects for better things abroad grew to such proportions that approximately 60,000 persons emigrated. About one third of them went to New England, founding the colonies of Massachusetts Bay, Connecticut and Rhode Island^o. Others settled in Old Providence, other Caribbean isles, and elsewhere.

The great majority of these emigrants were religious or political Puritans, chiefly of the non-separating Congregationalist^o persuasion, who found Laud's Anglicanism or Stuart government intolerable. Puritans were exasperated by the Stuarts' failure materially to assist the defeated Protestants on the Continent and dismayed when their efforts failed to "purify" the Anglican Church of vestigial "Poperies" and to limit the Stuarts to constitutional procedures. Meanwhile, William Laud rose to power and applied the screws of conformity until Puritans had no choice but to conform or emigrate. Already, the Rev. John White of Dorchester, the Earl of Warwick and others pointed the way by organizing companies chartered for New World trade and colonization. Between 1627 and 1635 several such companies were organized under Puritan auspices. Of these, the Massachusetts Bay Company was most successful. With White's West Country enterprise, the New England Company, as nucleus, the Massachusetts Company was dominated by East Anglican Puritans. By the Cambridge

Agreement^{ss}, the latter bound themselves to go to Massachusetts provided the Company and the charter be legally transported thither by Sept. 1, 1630. Thus, the 140 West Country people who sailed from Plymouth (March, 1630) and founded Dorchester^{ss}, Mass., were greatly outnumbered by East Anglicans who sent fourteen ships by June. The Great Migration had begun. During the next decade, about 20,000 people emigrated to the Bay Colony.

Of course, not all these emigrants were Puritans. Depression in agriculture and the cloth trade led many to emigrate for economic betterment—persons often discontented and troublesome in the Bible Commonwealth^{ss}. Nor was there complete unity among Puritans themselves. Differences between the West Country group and the East Anglican majority precipitated disputes in the General Court, perhaps were factors in the former's wholesale migration to Connecticut. But the basic cause for the Great Migration was Puritan discontent, as evidenced by its cessation when the English scene became more hopeful after the Long Parliament assembled. Meantime, Puritans had enlarged English Caribbean trade, garnered bullion from the Spanish Main, established fisheries in New England, laid the basis for shipbuilding and the West Indies trade, and founded permanent, populous colonies in New England.

[A. P. Newton, *The Colonising Activities of the English Puritans; The Cambridge History of the British Empire*; C. E. Banks, *The Planters of the Commonwealth . . . 1620-1640*.]

RAYMOND P. STEARNS

Great Nine Partners' Patent, THE (N. Y.), was one of the large land grants secured by land speculators during the regime of Gov. Benjamin Fletcher (1692-98), which were to prove a hindrance in the growth and settlement of New York. North of the smaller Rumbout and Beekman patents^{ss}, it included the greater part of the northern half of Dutchess County.

[E. B. O'Callaghan, ed., *Documents Relative to the Colonial History of the State of New York*.]

A. C. FLICK

Great Northern Railroad Co., THE, grew out of the St. Paul and Pacific, a land grant^{ss} road in Minnesota which had gotten money from Dutch interests. It was reorganized in 1879 under the control of J. J. Hill and Canadian interests. Hill got full control in 1883. The name Great Northern was assumed in 1890. It pushed westward without the aid of land grants, reaching Seattle in 1893. Hill obtained along with the Northern

Pacific control of the Chicago, Burlington and Quincy^{ss} for an entrance to Chicago.

[R. E. Riegel, *The Story of the Western Railroad*.]

JAMES D. MAGEE

Great Plains, THE. See Plains, The Great.

Great Revival, THE (1801), was the apogee of a Western revival movement, chiefly in Kentucky, from about 1797 to 1805. The revival had its beginning under the vehement preaching of James McGready, a Presbyterian minister, in Logan County, Ky. Despite doctrinal differences the Methodists, Presbyterians and Baptists^{ss} often united in conducting the larger meetings which generally were held in encampments. Strange bodily manifestations intensified the religious revival which quickly spread through most of the West. The climax was reached in a great sacramental meeting held at Cane Ridge^{ss}, Bourbon County, Ky., in August, 1801. The number in attendance has been differently estimated between 10,000 and 25,000. Emphasis upon emotional appeal brought extravagances which checked many of the benefits desired by the leaders. Nevertheless, the revival altered the moral tone and contributed much of value toward developing the Western region. Church membership increased tremendously during the period. The Methodist and Baptist denominations were definitely strengthened, but the Presbyterians suffered from schisms which resulted from opposition to some of the methods used, as well as doctrinal differences. Out of the dissent developed the Cumberland Presbyterian Church^{ss} which, with the Methodist Church, continued to use the camp meeting revival to stimulate religiously the frontier.

[Catherine C. Cleveland, *The Great Revival in the West, 1797-1805*.]

W. B. POSEY

Great Salt Lake, about thirty-five by seventy-five miles in size, averages only twenty-five or thirty feet deep. Its size varies somewhat from wet periods to dry, the constant salt content ranging from 15% to 28% by weight. The earliest reference to it may have been by Baron Lahontan, who claimed to have discovered the River "Long" and to have heard (January, 1689) Indians describe "a Salt Lake 300 leagues in circumference." Father Escalante described it from reports which he heard when crossing the adjoining valley, September, 1776. It was discovered December, 1824, by James Bridger, twenty-year-old Rocky Mountain fur trapper, who, because it was salty, mistook it for an arm of the Pacific Ocean. John C. Frémont made a prelimi-

nary instrument survey of the lake in 1843 and described it in his reports, while Howard Stansbury made a more thorough survey in 1849-50, published in two volumes. The most exhaustive lake studies were made in the 1880's by G. K. Gilbert for his celebrated monograph, *Lake Bonneville*.

[Howard Stansbury, *An Expedition to the Valley of the Great Salt Lake of Utah*; Grove K. Gilbert, *Lake Bonneville, Geological Survey Monograph No. 1.*]

J. CECIL ALTER

Great Serpent Mound is the outstanding prehistoric example of effigy earth works peculiar to the upper Mississippi Basin, now in a State Park, in Adams County, Ohio. It is a classic in earth modeling, representing a crawling serpent, 1330 feet long. The embankment is two to three feet high, resting upon a promontory overlooking the valley of a creek. It is not associated with burials and so is assumed to be of religious significance.

[H. C. Shetrone, *The Mound Builders.*]

CLARK WISSLER

Great Smoky Mountains, a chain along the North Carolina-Tennessee boundary, about fifty miles in length, and containing sixteen peaks over 6000 feet high. Originally inhabited by Cherokee Indians^{qv}, and known as Iron Mountains until about 1789, few white men penetrated this region prior to 1800. In fact very little was known about it until after the extensive explorations of Samuel B. Buckley, Thomas L. Clingman and Arnold Henry Guyot in the 1850's. Guyot published the first comprehensive scientific study of the whole region.

HUGH T. LEFLER

Great Spirit. This term was adopted by colonial interpreters as the Indian name for the superior power in the universe, and is still used in English speech. Specialists in Indian lore decry the continued use of the term because they think it misleading, but since no acceptable substitute has been offered it is likely to be used for a long time. Many Indian tribes conceive of a superior power or force which animates the world. None of them think of this being as the only god or power, but as a superior one. As examples we note *manitou* (Algonkin) and *wakanda* (Siouan). However, it is frequently forgotten that the term was adopted by English-speaking Indians to designate the God of the Christians, and is often so used by the whites.

Most of the Eastern Indians recognized a number of gods or personified powers, working independently for good and evil. It was to these that

prayers and sacrifices were made. Yet the statement is frequently recorded in colonial literature that over and above all was a wholly good god or power, too ethereal to take note of the affairs of men and these lesser gods. This conception was often spoken of as the Great Spirit and regarded by the Indians as possessing much in common with the white man's God.

[Daniel G. Brinton, *American Hero-myths.*]

CLARK WISSLER

Great Swamp Fight, THE (Sunday, Dec. 19, 1675), took place during King Philip's War^{qv}, in the Narragansett Country, now South Kingstown, R. I. The combined forces of Massachusetts Bay, Plymouth and Connecticut, over 1000 soldiers, under the command of Gov. Josiah Winslow, with about a hundred and fifty Indian allies, marched on Saturday from Smith's Garrison House (now Wickford, R. I.) to Pettaquamscutt, where they spent the night. Sunday they pushed on through the snow to the island in the Great Swamp, which had been fortified by the Narragansett Indians^{qv}. The first assault by the English, made about one o'clock in the afternoon, was turned back with terrible losses, but after three hours of desperate fighting the fort was forced at the rear and the Indians routed. The Indian wigwams were set on fire and many women and children lost their lives in the flames. The English lost six captains and 120 men and the Narragansett's losses ran up into the hundreds. This battle did not end the war, but it broke forever the power of the Narragansetts and thus contributed materially toward the final outcome of the struggle.

[Thomas Church, *History of King Philip's War.*]

HOWARD M. CHAPIN

Great Trading and War Path. The paths used by the Indians in going to war were for the most part those which had been beaten out by the buffalo, and followed lines of least resistance. Traders to the Indians used these paths, as did later hunters and emigrants. One of most utility and importance took the name of the Great Path. It ran down the Shenandoah Valley to the valleys of the New and Holston rivers to the Overhill Cherokee towns in the Tennessee country, thence to the Coosa River where it connected with the war path of the Creek Indians^{qv}. One of its prongs ran through Cumberland Gap from Long Island of Holston; another through Boone's Gap of the Alleghenies to the middle towns of the Cherokees^{qv}. It was over this path that the Northern Indians, Iroquois and Shawnees^{qv} especially, went to war with the Cherokees, and the last-named used it in retaliatory raids. A great stream of white migration flowed along it from

Pennsylvania, Maryland and Virginia to the Southwest, 1770 onward. Merchandise southward, and horses, cattle and produce northward, were borne over the roads that succeeded the path, and followed it, generally speaking. Mail routes and railroads came later. It may be said that the buffalo was by instinct a civil engineer that located his trace, to be adopted by the Indians as a trail and later used for road and railway.

[S. C. Williams, *Dawn of Tennessee Valley and Tennessee History*.]

SAMUEL C. WILLIAMS

Great Trail, THE, was a famous Indian thoroughfare leading from the Forks of the Ohio to the present site of Detroit⁹⁹. It followed the north bank of the Ohio River to the mouth of Big Beaver Creek, traversed the watershed to the "Crossing-place on the Muskingum," where Bolivar (Fort Lawrence), now is, and then bore northwest passing near the sites of the present towns of Wooster, Fremont and Toledo. During the last half of the 18th century it was the most important trail north of the Ohio. Important Indian villages were located along its route. Along this trail Indians passed long before the white man came. White traders' pack-horse trains used it to carry goods to the natives and to bring out furs. Col. Bouquet's expedition⁹⁹ in 1764 followed it. It continued to be important until the 19th century when the building of the Cumberland Road, the Erie Canal and the railroad⁹⁹ displaced it.

[C. A. Hanna, *The Wilderness Trail*; A. T. Volwiler, *George Croghan and the Westward Movement*; Ohio Arch. and Hist. Soc., *Publications*, VIII, 276.]

A. T. VOLWILER

Great Valley, THE, is a term applied to the large area in California between the Sierra Nevada and Coast Range mountains drained by the San Joaquin and Sacramento rivers. The valleys were first explored and trapped by Jedediah Smith⁹⁹ in 1822, but on a second attempt in 1827 he was ordered out by the California authorities. The Hudson's Bay Company⁹⁹ then sent trappers in for ten years (1829-38), by the Willamette Valley from Fort Vancouver, and reaped a rich harvest.

[K. Coman, *Economic Beginnings of Far West*.]

CARL L. CANNON

Great Western Sugar Company, THE, was incorporated Jan. 12, 1905. The properties consolidated in it included six factories: Loveland, Colo., constructed in 1901; Greeley, Colo., and Eaton, Colo., 1902; Longmont, Colo., Fort Collins, Colo., and Windsor, Colo., 1903. To the

original factories were added: Sterling, Colo., 1905; Brush and Fort Morgan, Colo., and Billings, Mont., 1906; Scottsbluff, Nebr., 1910, Lovell, Wyo., and Gering, Nebr., 1916; Bayard, Nebr., and Brighton, Colo., 1917; Mitchell, Nebr., and Fort Lupton, Colo., 1920; Minatare, Nebr., and Johnstown and Ovid, Colo., 1926, Lyman, Nebr., 1927; and Wheatland, Wyo., 1930. The Johnstown mill is a factory for extracting sugar from discard molasses. The company is the largest beet-sugar producing corporation in the United States. It serves approximately 12,000 beet growers, contracting 200,000 to 300,000 acres.

[Circular of Great Western Sugar Company, 1938; Henry W. Hugener, *A History of the Beet Sugar Industry of Northeastern Colorado*, Ms. Master's Thesis, Colorado State College of Education.]

ORA BROOKS PEAKE

Greely Arctic Expedition (1881). Lt. A. W. Greely, U. S. Army, led this expedition of four officers, nineteen soldiers (including specially enlisted scientists) and two Eskimos to Grinnell Land for three years of exploration and scientific observation. A supply ship, sent according to arrangement in 1882, was prevented by ice from reaching either Fort Conger or Lady Franklin Bay, prearranged rendezvous, and returned to the United States. A second store ship, the following year, was sunk by ice and its crew returned home on the accompanying steamer *Yantic*. The situation of the Greely party, which had meanwhile explored some 6000 square miles of newly discovered land and had reached a point then "farthest north," was thus rendered precarious, for their food supply was limited. Congress having delayed appropriations for a relief squadron, Secretary of the Navy Chandler purchased, on his own responsibility, two Scotch whalers, the *Bear* and the *Thetis*, and dispatched them northward as soon as possible in the summer of 1884. With them was the *Alert*, a vessel specially designed for polar exploration, which Queen Victoria sent to the United States, out of gratitude for American assistance in the efforts made to find the ill-fated Sir John Franklin party. Commander W. S. Schley was placed in command of the three vessels. After a successful voyage through the dangerous polar seas, seven survivors, including Lt. Greely, were discovered, on June 22, in a tent on Cape Sabine, whence they were carried safely to the relief ships. All survivors had given up hope of rescue and were in the last stages of starvation, yet all but one completely recovered.

[A. W. Greely, *Handbook of Polar Discoveries*; W. S. Schley and J. R. Soley, *The Rescue of Greely*.]

CHARLES LEE LEWIS

Green Bay (LaBaye, LaBaye des Puans) was the site of the earliest white settlement west of Lake Michigan. The region is known to have been discovered by the French explorer, Jean Nicolet^{ss}, in 1634. It was not thereafter visited by other Frenchmen for more than twenty years. Traders like Nicolas Perrot and Jesuit^{ss} missionaries like Claude Allouez visited this site, at the mouth of Fox River, in the late 17th century. A mission was founded at DePere, six miles above Green Bay, in 1671-72; the first French fort was built on the site of the present city in 1684 by LaDurantaye, called Fort St. François Xavier (the name of the mission at De Pere). This post was evacuated in 1695 when the governor of New France^{ss} called in all western garrisons.

A French post was rebuilt there in 1717 during the first Fox war^{ss}, called Fort LaBaye. It was abandoned and re-established several times during the French regime, but was garrisoned until 1760, when the last officers and soldiers withdrew. British troops arrived next year, under Lt. James Gorrell, a Maryland officer, who repaired Fort LaBaye, renamed it Fort Edward Augustus, and maintained it until Pontiac's conspiracy^{ss}, when he and his garrison were recalled to Mackinac^{ss}.

Meanwhile a considerable settlement grew up composed of French traders and retired *voyageurs*^{ss}. Although French in language and customs, the habitants took the oath of allegiance in 1761 to the British sovereign, and remained loyal throughout the British occupation. Fort Edward Augustus was never restored, but Green Bay became a fur-trade emporium. Commanding the eastern end of the Fox-Wisconsin portage^{ss} route to the Mississippi, it increased in importance during the fur-trade era. Although the Americans in 1796 established a garrison at Mackinac, Green Bay traders were British in interests, and on the outbreak of the War of 1812^{ss} sided with Great Britain, and devoted their energies to supplying the hordes of Indians collected for attack on the American frontiers. Green Bay habitants were impoverished by their war contributions, and regarded with dislike the coming of the Americans and the building of Fort Howard^{ss} in 1816. Soon afterward a few American settlers arrived at Green Bay, the old Franco-British inhabitants became naturalized and an American settlement grew up.

[Deborah B. Martin, *History of Brown County*; L. P. Kellogg, *French Régime in Wisconsin and the Northwest*, and *British Régime in Wisconsin and the Northwest*.]

LOUISE PHELPS KELLOGG

Green Corn Feast or Green Corn Dance. The Indian cultivation of maize or corn was accompanied by certain types of ceremonies varying from tribe to tribe in ritual detail but with similar objectives. The best known is a ceremonial when the corn is in the roasting-ear stage, in reality a harvest festival. The earliest good accounts of these ceremonies are based upon observations in what is now Georgia and adjacent territories. The name "busk" was frequently applied to it, as practised by the Southern Indians, some of the important features being the kindling of new fire, purification of participants by an emetic called the "black drink," a feast and offering of green corn and finally a night of dancing. A somewhat similar ceremony, called a Corn Dance, is still held annually by the Pueblo Indians in New Mexico.

[Benjamin Hawkins, in *Georgia Historical Society Collection*, Vol. III, 1848.]

CLARK WISSLER

Green Mountain Boys. In 1749 Gov. Benning Wentworth, of New Hampshire, began to grant lands in the region west of the Connecticut River which is today Vermont, even though New York put in a strong claim to the area. In 1764 the king decided that the jurisdiction belonged to New York, and the New York Supreme Court, in 1770, held that all Hampshire patents were invalid. This meant that settlers under New Hampshire must rebuy their lands.

The people of the New Hampshire Grants^{ss} west of the Green Mountains promptly resolved to keep their lands by force if necessary, formed military companies, and elected Ethan Allen colonel commandant of the Green Mountain Boys. Settlers under New York were terrorized. The "birch seal" cut into naked Yorker backs; fences were torn down; cattle disappeared; and cabins were burned or had their roofs taken off and replaced to symbolize "conversion" to the Yankee cause. The "Green Mountaineers" built rude fortresses on Otter Creek and Onion River. New York proclamations and laws of outlawry were disregarded, and New York sheriffs were driven off. The British government refused to use military force to put down the Green Mountain men and forbade New York to grant more land until the dispute could be settled.

With the coming of the Revolutionary War, the Green Mountain Boys espoused the Patriot cause, took Ticonderoga, raised a separate regiment under Col. Seth Warner, fought at Hubbardton, and were a potent factor in British defeat at the Battle of Bennington^{ss}. Led by Ira Allen, Thomas Chittenden and Jonas Fay, they declared themselves an independent republic

of Vermont^o, in 1777, and set about securing support from the New England delegates in the Continental Congress^o. At last New York ceased her opposition, and in 1791 the Green Mountain state was admitted into the Union.

[E. P. Alexander, *A Conservative Revolutionary: James Duane of New York*; John Pell, *Ethan Allen*.]

EDWARD P. ALEXANDER

Green River. South and west from the Wind River Mountains, there flows the Green River, whose waters make the chief contribution to the Colorado^o. Hunt and his Astorians^o were probably the first Americans to visit the valley of the Green, but Spanish parties had noted its course and their name, *Rio Verde*, is probably the origin of the American appellation. Prior to the activities of Wm. Ashley and his Rocky Mountain Fur Company^o in 1824, but little attention had focused upon the Green, but with the advent of the rendezvous^o system, the fur trade levied heavy and remunerative toll upon the beaver of its rich valley. The upper reaches of the Green River became a favorite place of meeting for the powerful tribes: Snakes, Nez Percés, Flatheads, Blackfoot and Crows^o, who assembled for annual exchange of pelts for trade goods supplied by the Rocky Mountain Fur Company and the American Fur Company^o. Henry's Fork^o, Fort Bonneville, Ham's Fork and Horse Creek in the valley of the Green witnessed six of the annual fairs of the mountain men^o held between 1824 and 1840. From the Green River and its tributaries came the greater number of the beaver that yielded to Wm. Ashley the \$250,000 proceeds realized by him in five years of fur trading. In the valley of the Green were schooled many of those leading spirits of Far-Western adventure and commerce who later guided the government parties that explored the West.

[H. C. Dale, *The Ashley-Smith Explorations*; W. J. Ghent, *The Early Far West*; H. M. Chittenden, *The American Fur Trade of the Far West*.]

CARL P. RUSSELL

Green River Knife, counterpart of the Bowie knife^o, was made famous by the mountain men^o, after whose favorite trapping and rendezvous ground it was named. The trade name *Green River* was incised on the blade near the hilt. "Up to Green River" became a figurative synonym for "up to the hilt."

J. FRANK DOBIE

Green v. Frazier, 1920 (253 U. S. 233). Here the Supreme Court announced a new "formula" for determining whether an exercise of the taxing power by a state is for a "public purpose." Prior to this case, the Court had tended to de-

termine the question independently of the state agencies. The issue in this case was whether North Dakota might utilize tax funds to create publicly owned grain elevators, banks, etc. The Court announced the rule that where the "united action of the people, legislature and court [agree upon the 'public purpose' nature of proposed expenditure], we are not at liberty to interfere, unless it is clear beyond reasonable controversy that rights secured by the Federal Constitution have been violated."

PHILLIPS BRADLEY

Greenback Movement, THE, was a reaction against the tendency to re-establish specie payments in place of the greenback standard of exchange which had prevailed since 1862. It naturally made its strongest appeal to debtor farmers. It included the "Ohio Idea" of retiring at least the five-twenties^o among the Federal Government bonds by issuing new greenbacks, and thus ending the Government's large interest payments as well as the tax-free character of a particular type of investment. Its most essential demand was that greenbacks be given complete legal-tender^o status, and be issued freely. Besides the debtor character of the movement, it united opposition to National Banks^o and their currency with resentment against the handsome profits which holders of the Civil War bonds were to take out of the funds raised by taxes.

Although these ideas had strong support in both major parties in rural areas and received partial endorsement in the national Democratic convention in 1868, thereafter the greenback movement became chiefly one for minor parties. The campaign of 1872^o found the only organized support of greenback policies in the new Labor Reform party. The independent state granger parties which sprang up following the Panic of 1873^o were inflationist in only a few instances, but two of them, Indiana and Illinois, furnished the leadership to create a new national party committed to greenback policies. The Indiana party issued a call for a conference at Indianapolis in November, 1874. It was attended by representatives from several states, including representatives from the Labor Reform party. A permanent organization was established, and a national nominating convention met at Indianapolis on May 17, 1876. This party, variously called "Independent National," "National" and "Greenback Labor," is commonly referred to as the Greenback party, and represents the most important political phase of the movement. Within the party the more extreme members organized the Greenback clubs, which agitated extensively, and in party conventions protested

against local fusion with the major parties. For its first national campaign the party nominated Peter Cooper, the New York philanthropist, for President. Its platform demanded the repeal of the recently enacted Resumption Act⁹⁹ and enactment of the greenback plans for a national currency. This first platform failed to go outside of the currency for an issue, and the party did not conduct an aggressive campaign. It was handicapped by the fact that in most districts where greenback ideas were popular they were supported by candidates of the two major parties. As a result, the vote received was only slightly more than 80,000, most of it coming from Mid-western farm states.

The most evident result of the campaign was the election of a number of members of the Illinois legislature who combined with the Democrats to elect Justice David Davis of the United States Supreme Court to the Senate, a move which in the judgment of some historians kept Tilden from becoming President.

The labor difficulties the next year made that part of the movement more active, and the Greenback party showed notable increases in state elections. A broader orientation was evident in a party conference at Toledo in 1878, when to the older Greenback planks was added a denunciation of the demonetization of silver, as well as endorsements of legal restrictions upon the hours of labor, the abolition of Chinese immigration and the reservation of public lands⁹⁹ for the use of actual settlers. In the congressional elections of that year, the Greenback party scored the most notable victory in its history by sending to the House of Representatives a large number of congressmen. Of these, fourteen or fifteen chose to act as party-conscious Greenbackers, the remainder staying with the major party which had also supported them. Historians credit the party with over 1,000,000 votes in this election, but this includes votes for some candidates who were also supported by one of the major parties. This striking success for the young party created a bloc in the House, which, under the leadership of James B. Weaver of Iowa, gave direction to the organization. The national character of its support is indicated by the fact that the bloc included representatives from every section except the Pacific coast.

This success raised high hopes among party leaders of a steady march toward major-party status. The successful resumption of specie payment in 1879 destroyed the most plausible argument the party had, and the convention of 1880 broadened its appeal by adding a graduated income tax, woman suffrage, government regula-

tion of interstate commerce⁹⁹ and social-welfare legislation to its program. Weaver was named the candidate for President, and high hopes were held for attracting a large vote. The disappointing result was a vote of 300,000, less than 4% of the total. The bloc in the House was reduced to ten members. This decline continued, and in 1882, while at least five congressmen were elected with Greenback support only one of them could be called a party-conscious Greenbacker.

The decline of the party was steady. Although it nominated the peripatetic Benjamin F. Butler for President in 1884, it was impossible to revive the enthusiasms of 1878 and 1880. The earlier farmer support seemed to be passing away entirely, and Butler's vote was less than 200,000. A convention was hopefully called in 1888, but contented itself with a declaration of principles. Faithful Greenbackers supported the candidate of the Union Labor party⁹⁹, Alson J. Streeter, and its "greenback" platform. This furnished a bridge between the Greenback and the Populist parties⁹⁹.

In spite of its surprising success in 1878, the party had failed to maintain its strength. The achievement of the resumption of specie payments had undermined the appeal of its program. The growing disparity of values between silver and gold made free coinage of silver⁹⁹ a far more feasible political goal than greenback inflation. It was, however, a predecessor of subsequent agrarian and labor political movements, and educated a group of voters toward political independence. It also trained leaders who were to play an active part in the Populist crusade.

[S. J. Buck, *The Agrarian Crusade*; F. E. Haynes, *Third Party Movements since the Civil War*.]

ELMER ELLIS

Greenback Party. See Greenback Movement.

Greenbacks was the popular name for the United States notes issued during the Civil War, as legal tender⁹⁹ for all debts except for tariff duties and interest on the public debt. They served as the standard of value in ordinary commercial transactions after their issue in 1862. The \$450,000,000 authorized was later permanently reduced to \$346,681,016. Although heavily depreciated during the Civil War, the Resumption Act⁹⁹ brought them to par by 1879.

[D. C. Barrett, *The Greenbacks and Resumption of Specie Payments, 1862-1879*; W. C. Mitchell, *A History of the Greenbacks*.]

ELMER ELLIS

Greenbrier Company, THE, was a land company organized in 1745 by John Robinson,

speaker of the Virginia House of Burgesses, and Thomas Nelson, later governor of Virginia. It received a grant for 100,000 acres located in the Greenbrier Valley in present West Virginia. From the outset it was a rival of the more famous Ohio Company^{qv}, in which the Washingtons were interested. For a time Andrew Lewis was agent of the Greenbrier Company. By 1755 he had surveyed half of its grant and, following 1763, he continued his surveys in defiance of the Proclamation^{qv} of that year forbidding settlements west of the Allegheny Mountains.

[J. M. Callahan, *History of West Virginia, Old and New*; T. P. Abernethy, *Western Lands and the American Revolution*.]

C. H. AMBLER

Greenville, Fort, was built late in 1793 by Anthony Wayne. Of irregular design, it occupied a considerable part of the present site of Greenville, Ohio. One of a line of fortifications erected between Cincinnati and Lake Erie during Wayne's campaign^{qv} against the Indians, it served also as a storage place for supplies and as a rendezvous for the army. From here, in 1794, Wayne's army advanced to the Maumee Valley to fight the Battle of Fallen Timbers^{qv}; and at the fort, on Aug. 3, 1795, the tribes of the Northwest signed the Treaty of Greenville^{qv}, by which the present eastern and southern Ohio were surrendered to the whites. Soon thereafter the fort was abandoned.

[A. A. Graham, *The Military Posts, Forts and Battlefields within the State of Ohio*, in *Ohio Archaeological and Historical Publications*, III.]

FRANCIS PHELPS WEISENBURGER

Greenville, Treaty of, was the sequel to Anthony Wayne's defeat of the Indians at Fallen Timbers^{qv}. Signed, Aug. 3, 1795, this treaty was arranged between Wayne and the chiefs of the Delaware, Shawnee, Wyandot, Miami Confederacy^{qv} and other tribes; and established a definite boundary between Indian lands and those open to settlement. Running up the Cuyahoga, the line followed the portage to the Tuscarawas, thence to Fort Lawrence, to Loramie's Creek, to Fort Recovery^{qv} and to the Ohio River opposite the mouth of the Kentucky. The land westward and northward of this line was conceded to the Indians, except Detroit and the other French settlements, and several trading-post sites with the highways between them. Also, the United States reserved 150,000 acres on the Ohio opposite Louisville, for bounties to the veterans of George Rogers Clark's campaign.

The Treaty of Greenville and the speedy surrender of the border forts^{qv} ended British influ-

ence over the Indians east of the Wabash Valley, and raids virtually ceased beyond the new boundary line. Hitherto, fearing Indian attacks, settlers had not ventured far from the Ohio valley. Now they could live in safety throughout the greater part of Ohio, and in the "gore"^{qv} in southeastern Indiana. The result was an era of greatly increased immigration into the Northwest Territory^{qv}.

[*American State Papers, Indian Relations*, Vol. II; F. L. Paxson, *History of the American Frontier*.]

BEVERLEY W. BOND, JR.

Greer County Dispute, THE. Greer County is a section of Oklahoma containing 1,511,576 acres lying in the triangle between the north and south forks of Red River, and east of the 100th degree of longitude. This territory was claimed by both Texas and the United States Government under the Adams-Onís Treaty^{qv} (see Marcy's Exploring Expedition). In order to determine its status, the Attorney General of the United States instituted suit in the early 1890's. On March 16, 1896, the case was decided in favor of the United States, which resulted in the disputed area later becoming a part of Oklahoma.

[U. S. v. Texas, 162 U. S. 1, 1895.]

J. G. SMITH

Greenville Act, 1764 (Sugar Act), passed by Parliament during George Grenville's ministry, imposed duties on sugar, coffee, wine and many other imports from foreign countries, and lowered the duty on molasses. It called for a stricter enforcement of the customs laws and provided that the taxes collected be paid into the British exchequer, to be used for "defending, protecting, and securing" the British colonies in America.

[C. H. Van Tyne, *The Causes of the War of Independence*.]

HUGH T. LEFLER

Grierson's Raid (April 17-May 2, 1863). Col. B. H. Grierson (U.), commanding a small brigade, 1,700 strong, successfully raided eastern Mississippi, starting from LaGrange, Tenn., and finally arriving at Baton Rouge, La. He covered over 600 miles in sixteen days, destroying bridges, railway and telegraph lines. He inflicted a hundred casualties, captured and paroled many prisoners, seized horses, mules and army supplies and suffered only a total of twenty-four casualties from all causes to his own forces.

[Oliver L. Spaulding, *The United States Army in War and Peace*.]

ROBERT S. THOMAS

Griffin, Fort, was established July 31, 1867, on the Clear Fork of the Brazos River, in what is

now Shackleford County, Texas, to protect the border settlements against the incursions of hostile Comanche and Kiowa Indians^{qv}. In the late 1870's it became a thriving commercial center for buffalo hide buyers and cattlemen. It was abandoned by Federal troops in May, 1881.

[C. C. Rister, *The Southwestern Frontier*.]

C. C. RISTER

Griffon, THE (1679), first sailing vessel on the upper Great Lakes, was built by LaSalle^{qv} above Niagara Falls to transport men and supplies between Niagara and his projected Illinois colony. In August the *Griffon* carried LaSalle himself accompanied by Father Hennepin^{qv} to Green Bay, whence the ship was sent back to Niagara laden with furs for LaSalle's creditors. Vessel and crew disappeared on the voyage, and their fate still remains a mystery. The story of the *Griffon* appeals powerfully to the imagination, and it has become perhaps the most celebrated vessel in the history of the Great Lakes. In recent decades frequent reports of the discovery of its remains have been published, but all have lacked substantial foundation; the numerous pictures of the *Griffon* are likewise purely imaginary.

[Francis Parkman, *LaSalle and the Discovery of the Great West*.]

M. M. QUAIPE

Gringo, a nickname, perverted from *griego* (Greek), applied in several Spanish-American countries to foreigners who "talk Greek," or unintelligibly. It did not originate during the Mexican War from the song, "Green Grow the Rushes, O," since it is defined in the Terreros y Pando *Diccionario Castellano* (Madrid, 1787).

[Note by Will M. Tipton, in *Old Santa Fe*, III, July, 1916.]

LANSING B. BLOOM

Grist Mills. Relics of this once decentralized industry are found along the streams of the older states and their massive grinding stones are much sought after as ornaments for flagstone courtyards or sunken gardens. The grist mill met an important local need and flourished for more than two centuries, grinding the farmers' grain and levying toll, usually in kind, for the service. In some specially productive localities mills were large and the miller bought and exported a surplus. The opening of the great grain-producing areas of the West, railroad construction, steam power and the concentration of industry eventually extinguished most of the small local mills.

[C. B. Kuhlmann, *The Development of the Flour Milling Industry in the United States*.]

W. A. ROBINSON

Grosjean v. American Press Company (297 U. S. 233, 1936). To cripple political enemies, Huey Long persuaded the Louisiana legislature to enact a license tax on the business of selling advertising in newspapers having a weekly circulation of more than 20,000 copies. The court held that (1) freedom of the press^{qv} in the sense of freedom from previous restraint is a "liberty" protected from state legislative action by the due-process clause^{qv} of the Fourteenth Amendment of the Federal Constitution, (2) that a corporation is a "person" within the purview of that amendment; and (3) that the license tax was designed to regulate and not to raise revenue, and that it did violate the right of the press to freedom from previous restraint.

HARVEY PINNEY

Grosventres Indians (Big Bellies) were so named by the French who applied the term to the distinct tribes of Atsina or Hitunena, a band of the Arapaho^{qv}; and secondly, to the Hidatsa, or Minitari. The more common distinction of later fur-trading days was Gros Ventres of the Missouri and Gros Ventres of the Prairie.

[F. W. Hodge, *Handbook of American Indians*; H. M. Chittenden, *History of American Fur Trade in Far West*.]

CARL L. CANNON

Groveton, Battle of (Aug. 28-29, 1862). "Stone-wall" Jackson (C.) assembled his three divisions behind an unfinished railroad, north and west of Groveton, Va., on Aug. 28, after destroying Gen. Pope's (U.) stores at Manassas Junction. Late that afternoon Jackson attacked a Union division on the Warrenton pike, and later resisted the assaults of three corps and a division during Aug. 29, enabling Gen. Lee to assemble his force and defeat Pope's entire army in the second battle of Manassas^{qv} on Aug. 30.

[Matthew Forney Steele, *American Campaigns*.]

GEORGE FREDERICK ASHWORTH

Guadalupe Hidalgo, The Treaty of, signed near Mexico City, Feb. 2, 1848, specified the terms of peace at the close of the Mexican War. It was negotiated by Nicholas P. Trist, the chief clerk of the Department of State under Secretary Buchanan.

In April, 1847, President Polk decided to send Trist secretly as a peace commissioner to Scott's army headquarters, with a definite project of a treaty prepared by Buchanan. Trist was given authority to receive expected Mexican peace proposals and to suspend hostilities. In late August Gen. Scott arranged an armistice to facilitate a conference for peace negotiations, which, however, proved entirely futile.

Polk then ordered (Oct. 1) Trist's recall, in order to discourage false Mexican views of American anxiety for peace. Trist delayed his departure, and finally (Dec. 3) decided to remain and to assume the responsibility of negotiating a treaty substantially on the basis of the territorial demands of his original instructions. On Jan. 24 he was able to secure a completed draft of the treaty, which was signed at Guadalupe Hidalgo, Feb. 2, 1848.

The treaty provided for the establishment of the American-Mexican boundary at the middle of the Rio Grande from the Gulf to a point where that river met the southern boundary of New Mexico (which southern boundary was then identical with the present southern boundary east of the Rio Grande); thence west on this southern boundary of New Mexico to the western line of New Mexico (identical at this point with the present western line); thence north along this western line until it intersected the first branch of the Gila River; thence down this branch and the middle of the Gila to the Colorado River; thence direct to the Pacific at a point one marine league south of the southernmost point of the port of San Diego; and for the cession to the United States by Mexico of the territory of New Mexico and Upper California for a payment of \$15,000,000. It was promptly accepted by President Polk and ratified, with amendments, by the Senate, March 10, 1848.

Because of the inaccuracies of Disturnell's map⁹⁷, used by the negotiators of the treaty, and the difficulties which prevented the surveyors from agreement on the identity of the first branch of the Gila, the line between the Rio Grande and the Gila was never marked, and the dispute remained unsettled until its international importance was ended in the Pierce administration by the negotiation of the Gadsden Purchase⁹⁸.

[J. M. Callahan, *American Foreign Policy in Mexican Relations*; C. E. Hill, *Leading American Treaties*; J. S. Reeves, *American Diplomacy under Tyler and Polk*.]

J. M. CALLAHAN

Guam, a Spanish possession, was on June 21, 1898, surrendered to the commander of the United States cruiser *Charleston*, and was ceded to the United States by the Treaty of Paris of Dec. 10, 1898⁹⁹.

By an executive order in 1898, the President placed Guam under control of the Navy Department, and in 1899 commissioned a naval officer as its first American governor. The entire island constitutes a naval station. Its status has never been established by Congress although

the shipping laws are applicable to it. Under American rule it has always been governed by the President through the Secretary of the Navy who is represented by a naval officer stationed at the capital, Agana.

In 1905 the Commercial Pacific Cable Company constructed submarine cables from San Francisco to Guam by way of Honolulu and Midway Island. From Guam, cables were laid to the Japanese Bonin Islands, from Guam to Manila, and from Manila to Shanghai. This system still remains the only transpacific cable line. In 1936 the island became a station on the fortnightly transpacific hydroplane flights from San Francisco to Manila and Hong Kong.

[L. M. Cox and others, *The Island of Guam; Annual Report of the Governor of Guam*.]

KENNETH COLEGROVE

Guano was first imported by John Skinner in 1824, but it did not become significant in the United States until the 1840's. The agricultural press focused attention on the value of fertilizers¹⁰⁰ and urged the trial of this form of manure, often presenting fabulous stories of its productive power. Its high price, due in part to Peruvian monopoly of the principal source, led to decline in its use after 1854.

FRED COLE

Guantanamo Bay. Under the provisions of an act of Congress and of the Cuban constitution, the presidents of the United States and Cuba signed, on Feb. 16, 1903, an agreement for lease of Cuban lands for coaling and naval stations. These were to be used by the United States to maintain the independence of Cuba, to protect its people, and for its own defense. The agreement was embodied in the treaty of May 22, 1903. The United States originally sought four bases but accepted two: at Guantanamo in eastern Cuba and at Bahia Honda, west of Havana. The latter proving unsuited for naval purposes, rights there were surrendered in 1912 for an extension of holdings at Guantanamo. Cuban dissatisfaction with the operation of the "Platt Amendment"¹⁰¹ resulted in a treaty of May 29, 1934, by which that of 1903 was abrogated. It was agreed, however, that the stipulations of the agreement of Feb. 16, 1903, and supplementary agreements as to Guantanamo should continue.

[Charles E. Chapman, *A History of the Cuban Republic*.]

CHESTER LLOYD JONES

Guerrillas. Guerrilla operations were carried on in each of the four major wars of the United States prior to 1900. Those of the Revolution and War of 1812 have been treated elsewhere

(see Partisan Bands; Cowboys and Skinners). In the Mexican War^o bands of Mexican guerrillas harassed American settlers in Texas and gave the American armies much trouble. During the struggle for Kansas^o in 1854, partisans of both slave and free state causes waged a desultory guerrilla or "bushwhacking"^o warfare on each other, which kept up through the Civil War^o, when the bands of Bill Anderson, of Quantrill^o and of George Todd, who succeeded him, perpetrated many atrocities. The James and Younger brothers, later notorious bandits^o, rode with these rangers. In the more rural or backwoods areas of the Confederacy, bands of marauders, predatory rather than military, frequently claiming to be units of the Federal Army, sometimes wearing stolen Federal uniforms, plundered and murdered. In the hill country of east Tennessee, north Georgia and Alabama, many deserters from both armies pretended Union adherence as an excuse for looting and devastating fertile valleys and comfortable homes in the vicinity. Even the Shenandoah Valley suffered from these bushwhackers. Some north Alabama bands called themselves "Destroying Angels," and beside the narratives of their doings the most lurid fiction is pale. A gang speciously calling itself the First Florida Union Cavalry ravaged western Florida and southern Georgia and Alabama.

[*Battles and Leaders of the Civil War*; Walter L. Fleming, *Civil War and Reconstruction in Alabama*.]

ALVIN F. HARLOW

Guffey Coal Acts. The first Guffey Coal Act, approved on Aug. 30, 1935, provided for a National Bituminous Coal Commission of five members to administer it. A tax of 15% was levied on the sale price of coal at the mine, 90% of which was to be deducted in the case of operators who accepted a code which permitted the regulation of the production and marketing of soft coal.

On May 18, 1936, this legislation was declared unconstitutional by the Supreme Court in a six to three decision in the case of *Carter v. Carter Coal Company*^o. Thereafter a second Guffey Coal Act was passed and approved on April 26, 1937. This act imposes a tax of 19½% on the wholesale price of coal but exempts those operators who sign and observe a code under which a commission of seven members is empowered to fix coal prices.

[*Statutes at Large*, Vols. XLIX, L.]

ERIK MCKINLEY ERIKSSON

Guilford Court House, Battle of (March 15, 1781). Following a masterly retreat northward through North Carolina, Greene crossed the

River Dan into Virginia, closely followed by Cornwallis. Collecting recruits, Greene recrossed the Dan with 4404 men—3000 were militia—and marched rapidly to Guilford Court House. Placing the militia in two lines in the front, and the Continentals on a rise in the rear, Greene offered battle. On the afternoon of March 15, 1781, Cornwallis with 2213 veterans attacked. The battle that ensued was one of the most severe of the war. After five hours, Greene ordered a retreat, having lost 79 killed and 184 wounded, while nearly 1000 militia dispersed to their homes. Cornwallis lost 93 killed, 413 wounded and 26 missing, nearly one fourth of his force. The British held the field, but the battle was a strategic victory for the Americans. Cornwallis soon withdrew to Wilmington, abandoning all the Carolinas save two or three coast towns (see Southern Campaigns, 1780–81).

[Samuel A. Ashe, *History of North Carolina*.]

NELSON VANCE RUSSELL

Guinn and Beal v. U. S., 1915 (238 U. S. 347), grew out of the attempt of Oklahoma to include in its constitution, on a permanent basis, the grandfather clause^o principle earlier applied on a statutory and temporary basis in other Southern states, and then discarded after it had served its purpose. The Supreme Court decided that this represented a clear violation of the purpose and intent, if not of the express provisions, of the Fifteenth Amendment^o.

[Albert J. McCulloch, *Suffrage and Its Problems*; Kirk H. Porter, *A History of the Suffrage in the United States*.]

W. BROOKE GRAVES

Guion's Expedition (1797). In accordance with Pinckney's Treaty^o the United States was authorized to occupy Spanish posts along the east side of the Mississippi down to the new Southern boundary^o line. A detachment, commanded by Capt. Isaac Guion, was sent from Fort Washington^o (Cincinnati), early in June, 1797, which occupied Chickasaw Bluffs and Walnut Hills, arriving at Natchez^o in December, 1797. Soon afterwards a new post named Fort Adams^o was established.

[John F. H. Claiborne, *Mississippi*.]

THOMAS ROBSON HAY

Gullah, derived from a West African tribal group, is a dialect spoken by Negroes of the South Carolina and Georgia coast. It contains few African words but the African intonation has strongly affected the simple English taught the slaves and passed down for generations

among an illiterate but imaginative race. The resultant language is almost uninflected but vivid and expressive.

[Ambrose E. Gonzales, *The Black Border, Gullah Stories of the Carolina Coast*; Reed Smith, *Gullah*, Bulletin No. 190, U. of S. C., 1926.]

MARGARET B. MERIWETHER

Gun Making by primitive methods was carried on in small shops, especially by the Germans of Pennsylvania, in and after the period of the French and Indian War, first smoothbores and later rifles being fashioned. In some instances the barrels were bored out, in others they were welded around a straight steel rod which was kept from too much clamping and finally withdrawn. The stock was made of maple or black walnut and often extended nearly to the end of the long barrel.

[Charles W. Sawyer, *Firearms in American History*.]

JOHN W. WAYLAND

Gunboats, or small, heavily armed vessels designed for shallow waters, were first employed by the United States Navy in the Barbary War⁹⁰. Six gunboats were loaned to Commodore Edward Preble by the Neapolitan government to operate against Tripoli in 1804, and three more were captured from Tripoli. On Feb. 28, 1803, Congress authorized the construction of fifteen gunboats, eight of which crossed the Atlantic to the Mediterranean in 1805, a ninth disappearing at sea. President Thomas Jefferson recommended 200 such gunboats for coast and harbor defense, and Congress authorized 278, of which 176 were built. They were practically useless in the War of 1812⁹⁰, and many were sold immediately after the war. In 1816 Gunboat No. 154 destroyed Fort Negro, Fla., and a fleet of gunboats supported Andrew Jackson's Florida campaign in 1818 (*see* Arbuthnot and Ambrister). Steam gunboats were used extensively in river operations in the Civil War (*see* Iron-clad Warship), and also in the Spanish-American War. Six gunboats were employed in patrolling the Yangtze River, China. One of these, the *Panay*⁹⁰, was sunk by Japanese aerial bombs, Dec. 12, 1937.

[D. W. Knox, *History of the United States Navy*; G. F. Emmons, *The Navy of the United States from the Commencement, 1775 to 1853*.]

LOUIS H. BOLANDER

Gundelow, THE, an extinct type of small vessel known only in New England in the 1870's, was used mostly for lightering cotton and coal from ships in Portsmouth and Newburyport to the

mills on the rivers. It was lateen rigged, with a single very short mast and long yard with high peak—probably the only commercial use of the lateen rig in American waters. The gundelows disappeared at the turn of the century.

This name was also applied to an entirely different type—a small gunboat with one high mast and square sail used by the colonial army against the British on Lake Champlain.

[Kenneth Roberts, *Rabble in Arms*.]

WILLIAM LINCOLN BROWN

Gunnison Massacre, THE (Oct. 26, 1853). Capt. John W. Gunnison and seven companions, engaged in surveying for a Pacific railroad, were slain at their camp, near the present Deseret, Utah. In keeping with the prejudice of that time, it was charged that the murder had been instigated by Mormons⁹⁰. Actually, the attack was made by Indians to avenge the death of a Ute warrior, slain by emigrants.

[Josiah F. Gibbs, *Gunnison Massacre, 1853*, in *Utah Historical Quarterly*, July, 1928.]

RUPERT N. RICHARDSON

Gutiérrez-Magee Expedition. Bernado Gutiérrez de Lara, a Mexican, joined forces at Natchitoches in September, 1812, with A. W. Magee, former lieutenant in the United States Army, for the purpose of invading Texas and wresting it from Spanish control. Magee died, and was followed by Samuel Kemper and later by a man from Connecticut named Perry. The filibusters captured San Antonio in March, 1813. The Spanish governor of Texas and twelve of his staff were made prisoners of war, and later killed. Many of the Americans, disgusted, returned to Louisiana, but others joined until the army numbered 3000. In August the force was ambushed by the Spanish and destroyed.

[W. J. Ghent, *Early Far West*.]

CARL L. CANNON

Gwinnett-McIntosh Duel, THE, was fought May 16, 1777, on the outskirts of Savannah, Ga. Each participant was wounded in the leg, and both were confined to their beds. Gangrene developed in Gwinnett and after three days of intense pain he died. He was buried supposedly in Colonial Cemetery in Savannah. The challenge of Button Gwinnett to Gen. Lachlan McIntosh grew out of a military rivalry which began when McIntosh had been appointed brigadier general of Georgia Continental troops, was intensified when Gwinnett as president and commander in chief of Georgia ignored him, and

was precipitated when McIntosh called Gwinnett "a scoundrel and lying rascal."

[C. F. Jenkins, *Button Gwinnett, Signer of the Declaration of Independence*; Thomas Gamble, *Savannah Duels and Duellists, 1733-1877*.]

E. MERTON COULTER

Gwynn's Island. After the burning of Norfolk^{va}, Va., Lord Dunmore, the royal governor, sailed in his fleet from Hampton Roads, and in May,

1776, made a camp on Gwynn's Island in Chesapeake Bay. There he threw up entrenchments and built a stockade. Gen. Andrew Lewis, who had co-operated with Dunmore in 1774, now, by order of the Committee of Safety^{va}, brought up batteries and shelled the fleet and the island camp so that Dunmore abandoned it July 10, 1776.

[T. J. Wertenbaker, *Norfolk: Historic Southern Post*.]

LOUISE PHELPS KELLOGG